

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-15139-2022 (O&M)
Date of Decision:-30.11.2022

Sagar Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikram Satpal Anand, Advocate for the petitioner.
Mr. Aman Dhir, DAG, Punjab,
assisted by ASI Angrej Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.108 dated 17.5.2020, Police Station Kathunangal, District Amritsar, under Sections 307, 323, 324, 148, 149, 188 of Indian Penal Code, wherein offences under Sections 326 and 120-B of Indian Penal Code were added later on.
2. At the time of issuance of notice of motion, the following order was passed on 08.04.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.108 dated 17.5.2020, Police Station Kathunangal, District Amritsar, under Sections 307, 323, 324, 148, 149, 188 of Indian Penal Code, wherein offences under Sections 326 and 120-B of Indian Penal Code were added later on.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that infact as at the time of occurrence, he was present at Sewa Nagar, Putligahar, Amritsar, which is about 29 kilometers away from the place of occurrence. It has been submitted that another co-accused Sahil Singh, who was also present alongwith the petitioner at Sewa Nagarm, Putligahar, Amritsar on the said date and time, has already been granted bail by this Court vide order dated 23.3.2022 passed in CRM-M-28358 of 2020. Learned counsel has submitted that since the petitioner is identically situated and is shown alongwith said Sahil Singh in CCTV footage, he deserves the same concession on grounds of parity. Learned counsel, in this regard, has drawn the attention of this Court to certain photographs (Annexure P-2) stated to have been printed from the said CCTV footage.

Notice of motion for 7.9.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner submits that in fact as on the day of occurrence, the petitioner was not present at the spot and was present along with co-accused Sahil Singh at Sewa Nagar Putlighar, Amritsar and that since said Sahil Singh has been granted bail on this very ground vide order dated 23.03.2022 passed in CRM-M-28358-2020 (Annexure P-3), the petitioner being identically situated deserves the same relief on grounds of parity.
4. Learned State counsel, upon instructions from ASI Angrej Singh, has informed that the petitioner indeed is shown in CCTV footage alongwith co-

accused Sahil Singh who has already been granted bail. It has been informed that pursuant to interim directions issued by this Court on 08.04.2022, the petitioner has already joined investigation and he is not required for any custodial interrogation. It has also been informed that the petitioner is not involved in any other case.

5. This Court has considered the rival submissions.
6. The petitioner is stated to be identically situated like co-accused Sahil Singh, who has been granted bail on the plea of *alibi* raised by him. The petitioner otherwise is stated to have joined investigation and is not required for any custodial interrogation and otherwise enjoys a clean record. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 08.04.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

30.11.2022

pankaj

(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No