

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-19065-2021 (O&M)
DATE OF DECISION : 10.03.2022

Gagandeep Singh alias Gagandeep Sharma alias GugguPetitioner

versus

State of HaryanaRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. M.S. Longia, Advocate, for the petitioner.

Ms. Ambika Luthra, Addl. AG Haryana.

ALKA SARIN, J. (Oral):

Heard in physical mode.

CRM-4925-2022

This is an application for placing on record a copy of the order dated 01.02.2022 passed by this Court granting concession of regular bail to the co-accused and translated copy of the FIR No.437 dated 24.12.2019 and a copy of FIR No.438 dated 24.12.2019 as Annexures P-7 to Annexure P-9.

Allowed as prayed for subject to all just exceptions.

Documents are taken on record.

CRM stands disposed off.

CRM-M-19065-2021

This is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0441 dated 26.12.2019 registered under Sections 307 and 34 of

the Indian Penal Code, 1860 and Sections 25-27-54 of the Arms Act, 1959 and subsequently added Sections 120-B and 506 IPC, at Police Station Pinjore, District Panchkula.

First petition filed by the petitioner being CRM-M-27567-2020 was dismissed as withdrawn on 14.10.2020 and the second petition being CRM-M-37774-2020 was dismissed by a detailed order on 18.01.2021.

Learned counsel for the petitioner states that the change in circumstances is that co-accused in the case - Harbhej Singh - against whom the allegations under Section 307 IPC are made out, has since been granted regular bail by a co-ordinate Bench of this Court vide order dated 01.02.2022 passed in CRM-M-15466-2021. Learned counsel would further contend that against the said Harbhej Singh, who has since been granted bail by a co-ordinate Bench, five criminal cases were registered. However, keeping in mind that custody of the said co-accused, which was about 01 year and 04 months, the said co-accused was granted bail. Learned counsel would further contend that the petitioner in the present case has undergone custody of 02 years, 01 month and 10 days. Learned counsel would further contend that the petitioner has since been granted bail in the other cases pending against him.

Custody certificate, filed by the learned State counsel, is taken on record.

Learned State counsel is not in a position to dispute the fact that the co-accused in the present case, against whom also five cases were

pending, has since been granted a regular bail by a co-ordinate Bench of this Court. Learned counsel is further not in a position to dispute the fact that the petitioner has already been in custody for a period of 02 years, 01 month and 10 days.

I have heard learned counsel for the parties.

In view of the above, without commenting upon the merits of the case and on the ground of parity as well as in view of the fact that the trial is likely to take some time to conclude, I deem this to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

March 10, 2022
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(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO