

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22271 of 2022

Date of Decision: 30th May, 2022

Sukhdeep Singh @ Deepu Loafer

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Ramnish Puri, Advocate for the petitioner.
Mr. Amit Mehta, Senior DAG, Punjab.

AVNEESH JHINGAN , J.(Oral)

This is a petition seeking regular bail in FIR No. 162 dated 19.5.2021, under Sections 379-B(2), 341, 323, 324, 506 , 148, 149 and 201 IPC and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Islamabad, District Amritsar.

Learned counsel for the petitioner claims parity with the co-accused Sukhjinder Singh @ Jammu who was granted bail by this court on 12.10.2021 by passing the following order:

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Main Case

Present petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner-Sukhjinder Singh @ Jammu in case FIR No.No.162 dated 19.05.2021 under Sections 148, 323, 324, 341, 379- B(2) and 506 IPC read with Section 149 IPC and Sections 25 and 27 of Arms Act,registered at Police Station Islamabad, District Police Commissionerate Amritsar.

Learned counsel for the petitioner inter alia contends that version, as alleged in the FIR, is totally

concocted one and there is no iota of truth therein. He further urges that though alleged occurrence took place on 16.05.2021, whereas instant FIR was got registered on 19.05.2021 and as such there was inordinate delay of three days in registration of FIR and that too unexplained one. He further submits that petitioner was not named in the FIR. He further urges that no specific injury on the person of injured-Gurwinder Singh @ Ginni has been attributed to petitioner. He further submits that petitioner is languishing in custody since 25.05.2021 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (Challan) has already been presented in Court. He further urges that since consequent trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is languishing in custody since 25.05.2021; that petitioner is no more required by the Investigating Agency for investigation purpose; that final report under Section 173 Cr.P.C. (Challan) has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-Sukhjinder Singh @ Jammu

is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Amritsar, as the case may be.”

Learned counsel for the State on instructions opposes the prayer for grant of bail but is not in a position to distinguish the parity between the petitioner vis-a-vis co-accused Sukhjinder Singh @ Jammu so far as grant of bail is concerned.

The petitioner is in custody since 4.8.2021, no specific injury is attributed to the petitioner and on the basis of parity with co-accused, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

30th May, 2022
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Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No