

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

CRM-M-24355-2020 (O&M)
Date of Decision:-11.7.2022

Saurav @ Kattu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Baldev Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.113 dated 5.5.2016 at Police Station Sultanwind, Amritsar under Sections 302, 307, 148, 149 and 120-B of Indian Penal Code and Sections 25 and 27 of Arms Act.
2. The FIR was registered at the instance of complainant-Vishal Kumar who has stated that on the day of occurrence he along with Baga @ Sunny, Rahul @ Hariya, Deepu, Vicky and Ajay were returning back after attending marriage. On the way, they were way laid by Bobby Malhotra, Kaddu @ Gaurav Gicky, Shiva, Pawan @ Tamba, Suraj @ Bhukh, Arun, who were armed with pistols and revolvers and out of whom Bobby raised 'lalkara' and fired a shot hitting the head of the complainant's brother and thereafter

the accused fired several shots hitting complainant's brother namely Hariya in stomach and which also hit Deepu and Bawa. It is the case of prosecution that Hariya succumbed to his injuries while Deepak @ Deepu and Baga @ Sunny also sustained injuries.

3. Learned counsel for the petitioner has submitted that the petitioner is not named in the FIR nor any recovery whatsoever has been effected from him. Learned counsel has submitted that Shahid Baba, Pawan @ Tamba and Suraj @ Bhukh, who are specifically named in the FIR, have been released on regular bail apart from Mukesh @ Gikki, Simranjit, Aman Kumar @ Mota, Sukhpal Singh @ Shiva and Jaskaran Singh @ Karan. Learned counsel has further submitted that since as many as 8 of the co-accused out of 20 have already been granted regular bail including three of the accused who are specifically named in the FIR, the petitioner also deserves the same concession on grounds of parity.
4. Opposing the petition, learned State counsel submitted that since the petitioner is part of an unlawful assembly, who committed heinous crime, no case for grant of bail is made out. However, the aforesaid position is not disputed by the learned State counsel, who has informed that the petitioner has been behind bars since the last more than 3½ years. Learned State counsel has also informed that only 2 out of cited 75 prosecution witnesses, have been examined till date.
5. Having regard to the facts and circumstances of the case and while also bearing in mind the fact that the petitioner admittedly was not named in the FIR and had not actually participated in causing any injury or firing any shot and while also bearing in mind the custody period of the petitioner, which is

stated to be more than 3½ years and while also noticing that other co-accused identically situated have already been granted bail, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. Conclusion of trial is likely to consume time inasmuch as only 2 out of cited 75 prosecution witnesses, have been examined so far. The petition, as such, is accepted. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.7.2022
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No