

CRM-M-33402-2022

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

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CRM-M-33402-2022

Date of decision : 09.08.2022

JAGMEET SINGH @ GAGGU

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present :- Mr. A. P. Kaushal, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in FIR No.92, dated 05.12.2020 under Sections 302, 307, 506, 427, 148 and 149 IPC, (added lateron Section 379 IPC) and Sections 25 and 27 of Arms Act, registered at Police Station Sadiq, District Faridkot.

It is submitted by learned counsel for the petitioner that the petitioner is in custody from 05.12.2020 which is almost one year and eight months and in the present case after completion of the investigation, charges were framed and all the material witnesses have already been examined. He submitted that these material witnesses including the injured have not supported the prosecution version and have been declared hostile and even as per the prosecution story itself, the deceased Kuldeep Singh died due to firearm injuries caused by the co-accused namely, Harbilas Singh and

Dhanwant Singh and so far as the role of the present petitioner, he had given a kappa blow to the deceased on the face.

Learned counsel for the petitioner also submitted that the petitioner has clean antecedents and no recovery is to be effected from the petitioner and all the material witnesses including the injured have not supported the prosecution version at the time of trial. He further submitted that the other co-accused namely, Manpreet Singh @ Mani was granted bail by this Court in CRM-M-41842 of 2021 on 03.08.2022 and therefore, the petitioner may also be considered for the grant of bail.

On the other hand, learned State counsel has stated that it is correct that the petitioner is in custody from 05.12.2020 which is almost one year and eight months and all the material witnesses including the complainant and the injured have been examined and they have not supported the prosecution version. He further submitted that it is also correct that the other co-accused namely, Manpreet Singh @ Mani has been granted bail by this Court although he was not at parity with the present petitioner on the ground that the role attributed to the petitioner was giving a kappa blow to the deceased whereas the role attributed to the co-accused Manpreet Singh @ Mani was giving a kappa blow on that injured.

I have heard the learned counsels for the parties.

The petitioner is in custody from 05.12.2020 and the material witnesses including the complainant and the injured have already been examined and they have not supported the prosecution version as per the learned counsels for the parties. No recovery is to be effected from the petitioner and the other co-accused namely Manpreet Singh @ Mani has been granted bail by this Court vide order dated 03.08.2022. The mere fact

that the role attributed to the petitioner was giving a kappa blow on the face of the deceased and the role attributed to the co-accused Manpreet Singh @ Mani was giving a kappa blow on the injured would not make a difference for the purpose of considering the grant of regular bail. Furthermore, it is not the case of the State that in case, the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

In view of the aforesaid position, this Court is of the view that the petitioner deserves the concession of regular bail.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

09.08.2022

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Whether speaking/reasoned	Yes
Whether Reportable :	No