

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32760 of 2022 (O&M)

DECIDED ON:2nd August, 2022

Hardeep Singh @ Manga

....PETITIONER

VERSUS

State of Punjab

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Neeraj Jain, Advocate for petitioner.

Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

This petition is filed seeking regular bail in case of FIR No. 104 dated 10.5.2022, under Sections 365, 323, 325, 148, 149 and subsequently added section 308 IPC, 1860, registered at Police Station Division No. 7, Ludhiana.

Learned counsel for the petitioner claims parity with co-accused Deepak Kumar and Harnoor who were granted bail by this court on 21.7.2022. He further submits that the petitioner is in custody since 26.5.2022.

On 21.7.2022, this court passed the following order:

"Petitioners are seeking regular bail in case of FIR No.104 dated 10.5.2022, under Sections 365, 323, 325, 148, 149 IPC, registered at Police Station Division No. 7, District Police Commissionerate, Ludhiana.

The FIR was at the instance of Harsh Kumar. As per the allegations, on 9.5.2022, Bali Jindal armed with Iron Daat, Sunny Jindal empty handed, Nikku and Sarabjit Singh came on vehicle bearing registration No.PB-10-GU8888. They were accompanied by 10-12 unidentified persons. Accused threw the father of the complainant into the vehicle and inflicted injuries.

Learned counsel for the petitioners submits that the petitioners were not named in the FIR. They have been named in a supplementary statement. Learned counsel for the petitioner relies upon the fact that Sarabjit Singh, who was named in the FIR and having a specific role was granted interim anticipatory bail by this Court by passing the following order:

"Learned counsel contends that the allegations contained in the FIR are vague and though the name of the petitioner is contained in it, but no specific role is attributed to him. He further submits that the motive assigned is not worth believing, as for small altercation, the complainant would not have gone to the place where the assailants had called him. He further submits that as per the allegations, dangerous weapons were used to cause injuries to them, but there is no evidence of any injury suffered by the victims.

Notice of motion for 07.09.2022.

At this stage, Mr. Rahul Bhargava, Advocate appears on behalf of the complainant.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C."

The contention is that the petitioners are in custody since 4.6.2022 and not involved in any other case. Submission is that case of the petitioners is on a better footing than co-accused who was granted interim anticipatory bail.

Learned State counsel on instructions from SI Satbir Singh opposes the prayer and submits that petitioners were amongst 10-12 unidentified persons. He is not disputing the fact that the co-accused who was named in the FIR was granted interim anticipatory bail by this Court.

Without commenting upon the merits of the case, having conspectus of the fact, co-accused was granted interim anticipatory bail, conclusion of trial and investigation is likely to take time and no recovery was made from the petitioners, bail is granted to the petitioners on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitions are allowed.

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

Since the main case has been decided, the pending application, if any is rendered infructuous.

Photocopy of this order be placed on the file of connected case."

Learned counsel for the State opposes the prayer for grant of bail, he is not able to distinguish the parity of the petitioner with the co-accused so far as grant of bail is concerned.

Without commenting on the merits of the case and on the basis of parity of the petitioner with the co-accused so far as grant of bail is concerned, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

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

Since the main case has been decided, the pending application, if any is rendered infructuous.

2nd August, 2022
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>