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

CRM-M No.40218 of 2021 (O&M)

Date of decision: 10.05.2022

Prabhdeep Singh @ Deepu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Hayer, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.37 dated 09.03.2015, for offence punishable under Sections 302, 392, 34 of the Indian Penal Code, 1860 (in short 'IPC') and 25 of the Arms Act, registered at Police Station City Moga, District Moga.

Counsel for the petitioner, at the very outset, has relied upon the order dated 25.06.2020 passed in CRM-M No.14496 of 2020, vide which the co-accused of the petitioner namely Sukhwinder Singh @ Shani was granted the concession of regular bail.

Counsel for the petitioner has argued that while granting bail to the co-accused, this Court has noticed that the complainant Sanjeev Kumar, PW-1, who is an eye-witness has stated that a single gun-shot was fired by the co-accused Peter and the other accused were

empty handed. It is also submitted that as per the version in the FIR, when he along with his cousin brother Deepak Grover were present in the shop, 03 youngsters came and tried to snatch the black coloured bag held in his cousin's hand and when he resisted, one person fired a shot on the chest and he fell down and thereafter, the other accused persons ran away from the spot. It is further submitted that one Mandeep Kumar was nabbed and disclosed the name of his accomplices as Dippa, Peter and Shani. It is also argued that even Mandeep Kumar, who was arrested at the spot has been granted the concession of regular bail. Counsel for the petitioner has again referred to the statement of PW1, Sanjeev Kumar, who identified the 02 persons Mandeep Kumar and Shani in the Court and has further stated that Peter has taken out a revolver and other 03 persons were empty handed and thereafter, Peter fired a shot, which hit on the chest of Deepak.

Counsel for the petitioner has submitted that the petitioner is in custody for about 04 years and the eye-witness already stands examined.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in 02 more cases registered under Section 394 and 02 cases registered under Section 379 IPC, however, he is on bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 03 years, 11 months and 27 days; the co-accused of the petitioner are already released on bail; the custodial interrogation of the petitioner is

not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

10.05.2022
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No