

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37942-2022 (O&M)

Date of Decision: 13.09.2022

Jagjit Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sunny Sagar, Advocate, for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Vikas Gupta, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 131 dated 10.12.2021, under Sections 307, 148, 149, 379, 120-B IPC and Sections 25/27 of Arms Act, registered at Police Station Bhikhiwind, District Tarn Taran, Punjab.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 07.03.2022 which is more than 6 months and investigation of the case has already been completed and thereafter, challan has been presented before the competent Court. He further submitted that the petitioner is not involved in any other case and has got clean antecedents. He further submitted that since the investigation of the case has been completed and no recovery is to be effected from the petitioner and trial of

the case may take long time, he may be considered for the grant of regular bail. He further submitted that a similarly situated co-accused namely Lovepreet Singh has been granted regular bail by this Court on 04.08.2022 in CRM-M-6077-2022. He further submitted that after the incident an SIT was constituted in which 17 persons were identified who were part of the unlawful assembly out of which some of them fired which resulted into injuries to 5 persons. He further submitted that so far as the present petitioner is concerned, although he was listed in the aforesaid 17 persons but there is no role attributable to him with regard to inflicting of any injury to anybody since he was not carrying any weapon and has submitted that in similar circumstances the aforesaid co-accused namely, Lovepreet Singh has been granted bail who was also mentioned in the aforesaid list of 17 persons.

On the other hand, Mr. Kunal Viyanak, learned Assistant Advocate General, Punjab has submitted that it is correct that the petitioner is in custody from 07.03.2022 which is more than 6 months and the other co-accused namely Lovepreet Singh who is at parity with the petitioner has been granted regular bail by this Court in CRM-M-6077-2022.

I have heard the learned counsel for the parties.

The petitioner is in custody from 07.03.2022 which is more than 6 months and the other co-accused namely Lovepreet Singh was granted bail by this Court vide order dated 04.08.2022 in CRM-M-6077-2022 and the petitioner is at parity with the aforesaid co-accused especially in view of the fact that although the name of the petitioner was mentioned in the list of 17 persons prepared by SIT but as per the learned counsel for the parties in the video clipping he was not carrying any weapon. The petitioner is stated to be not involved in any other case as per the learned

counsel for the parties.

In view of the aforesaid facts and circumstances and considering the element of parity as well, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

At this stage, learned counsel for the petitioner has stated that there was a typographical mistake in the memo of parties whereby the name of the father of the petitioner has been mentioned as Saroop Singh whereas in fact the name of the father of the petitioner is Harbhag Singh and he has also filed amended memo of parties today in the Court itself.

The learned State counsel has stated that it has been verified that the name of the father of the petitioner is Harbhag Singh and not Saroop Singh.

In view of the above, it is directed that the amended memo of parties be taken on record.

All the miscellaneous applications, if any, shall be deemed to be disposed of since the main case has been disposed of.

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

13.09.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No