

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

214

**CRM-M-258-2023
Date of decision: 12.01.2023**

Pardeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vijay Rana, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.27 dated 03.03.2022 lodged under Sections 160, 307, 148, 149 and 120-B of the Indian Penal Code, 1860 and Sections 25, 27, 29-B, 54 and 59-A of the Arms Act, 1959 (Sections 29-B, 54 and 54-A of the Arms Act added lateron) registered at Police Station Lohian, District Jalandhar (Rural).

Learned counsel for the petitioner inter alia contends that the false implication of the petitioner in the FIR in question is evident from the fact that he was not named in the FIR in question and was implicated only pursuant to the disclosure statement made by two co-accused who too were not named in the FIR. While inviting the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, learned counsel submits that it was alleged therein that about 10/15 unidentified persons armed with deadly weapons went to village Kutbiwal in 5/6 vehicles and fired

indiscriminately as a result of which one Gurpreet Singh suffered two fire arm injuries. Learned counsel submits that the disclosure statement on the basis of which the petitioner has been nominated as an accused not only has weak evidentiary value but even the factum of no fire arm much less any weapon having been recovered from him further creates a big dent in the case of the prosecution. It has also been submitted that similarly situated co-accused namely Aprail Singh, Satwant Singh @ Jagga and Balbir Masih have already been extended the concession of bail by Coordinate Bench of this Court vide orders dated 22.11.2022, 06.12.2022 and 13.12.2022 respectively. Learned counsel thus prays for enlarging the petitioner on bail as he has clean antecedents and has now been in custody since 02.06.2020 coupled with the fact that there is no likelihood of the trial concluding in the near future as charges have not yet been framed.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite on instructions, submits that no doubt the petitioner was not named in the FIR in question but it had come in the disclosure statement of two other co-accused that the petitioner was very much present in the truck when the crime in question was committed. Learned State counsel has also not been able to controvert that similarly situated co-accused including the two accused on whose disclosure statement the petitioner was nominated as an accused have since been released on bail by this Court. Learned State counsel has also fairly admitted that the petitioner is not involved in any other criminal case much less a case of similar nature.

I have heard learned counsel for the parties and perused

the material placed on record.

Investigation in the instant case stands completed as admittedly final report under Section 173(2) of the Cr.P.C. stands presented before the Trial court. The trial is unlikely to conclude in the near future as charges have not yet been framed.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

12.01.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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