

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 5255-2023 (O&M)
Date of Decision: 22.02.2023

Kanwalpreet Singh alias Kanwalpreet Singh Billa

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. S.P.S. Khaira, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 110 dated 14.09.2021, under Sections 307, 379-B, 458, 336, 323, 447, 448, 511, 506, 427, 148, 149, and later on added Sections 195, 199, 201 IPC and Sections 25, 27, 54, 59 of Arms Act registered at Police Station Sadar Raikot, District Ludhiana, Punjab.

Learned counsel for the petitioner contends that the petitioner is in custody since 16.08.2022. Learned counsel submits that the petitioner is not named in the FIR rather he has been nominated as an accused on the basis of supplementary statement of complainant-Harinder Singh and no

specific injury has been attributed to the petitioner. The only role attributed to the petitioner is that he was member of the unlawful assembly and was visible in the CCTV footage. Learned counsel for the petitioner further claims parity and submits that the co-accused namely Jagroop Singh alias Roopa and another and one Gurvinder Singh alias Rubi, who are even named in the FIR, have been allowed regular bail by the Co-ordinate Bench of this Court, which are annexed as Annexure P-4 and P-5. It is contended that the challan stands presented, though charges are yet to be framed and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate along with the reply has been filed by the respondent-State, which are taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and there are other cases pending against him, however, does not dispute the fact that challan stands presented and other co-accused have been granted bail.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 16.08.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the other co-accused have been granted concession of bail and the challan stands presented and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner

behind the bar.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

22.02.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No