

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

CRM-M-8235-2023

Date of Decision:-21.02.2023

Gurjinder Singh.

.....Petitioner.

Versus

The State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Lovish Rattan, Advocate for the Petitioner.

Mr. Shubham Kaushik, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.264 dated 11.08.2022 under Sections 379B(2), 411 34 IPC registered at Police Station Maqboolpura, District Amritsar.

2. The brief facts of the case leading to the registration of the FIR are that the statement of Mithlesh Pandit was recorded to the effect that he was a resident in the house of one Kulwinder Singh. While he was riding on his motor cycle and had reached the closed road of the modern park, some persons standing in front of him stopped their motor cycle. He found it to be suspicious and called his brother Bhola Pandit. Meanwhile one of the persons took out a hidden *datar* and attempted to attack him but he immediately hugged him. Then the accused asked his friend to shoot at him (complainant) and others. The second person hit him on the head with the handle of a toy pistol. Meanwhile his brother Bhola Pandit came there. He (complainant) snatched the *datar* of the accused who took away his purse containing Rs.2000/- and Aadhaar Card along with other documents and ran away. The other accused gave him blows with a toy pistol and on account

of the scuffle the said boy received an injury on his hand. Thereafter the boys fled away. The boy who had scuffled with him jumped into the canal in an injured condition and on being pulled out disclosed his name as Gurjinder Singh (petitioner) son of Kulwant Singh and the second person with him as Sunny (since granted bail vide order dated 20.12.2022 in CRM-M-58521-2022) son of Virsa Singh.

3. The Counsel for the petitioner contends that as per the prosecution case, the petitioner was arrested at the spot and disclosed the name of his co-accused Sunny (since granted bail vide order dated 20.12.2022 passed in CRM-M-58521-2022). The petitioner is said to have been carrying a toy pistol whereas his co-accused Sunny Singh @ Sunny was carrying a *datar*. In fact it was the complainant who attacked the accused as was borne out from the FIR. The petitioner was in custody since 18.08.2022 and none of the 18 prosecution witnesses had been examined so far. Therefore the Trial of the present case was not likely to be concluded any time soon. Though there were other cases registered against him, however, since his co-accused who was similarly situated, had been granted the concession of bail by this Court, he was entitled to the similar relief.

4. The Counsel for the State on the other hand contends that the petitioner is a habitual offender and does not deserve any sympathy of the court. He has criminal antecedents. He however admits the fact that a similarly situated co-accused namely Sunny Singh @ Sunny has been granted the concession of bail by this Court vide order dated 20.12.2022 (Annexure P-3).

5. I have heard learned Counsel for both the parties at length.

6. Admittedly, the petitioner is a young boy of the age of 18 years. He is in custody since 18.08.2022 and none of 18 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded any time soon. As such the further incarceration of the petitioner is not required.

7. Thus, without commenting on the merits of the case, the petitioner-**Gurjinder Singh** son of Sh. Kulwant Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned

on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the cases mentioned in this order.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. In addition, the petitioner or any person on his behalf shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioner from the Trial without sufficient cause.

11. The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 21, 2023

Vinay

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