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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17428-2023 (O&M)
Date of decision: 16.08.2023

GAGANDEEP SINGH ALIAS GAGGI

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Ramdeep Pratap Singh, Senior DAG, Punjab.

Mr. Rishu Mahajan, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. 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.97 dated 02.10.2021, under Sections 307, 459, 397, 34 of the IPC (Section 411 of the IPC added later on), registered at Police Station Lambran, District Jalandhar, Punjab.

2. Learned counsel for the petitioner has submitted that it is a case where the petitioner has been falsely implicated in the present case and he does not have any criminal background and is not involved in any other case. He further submitted that the petitioner is in custody from 02.10.2021, which is about 1 year and 11 months and the other co-accused, namely, Amrinder Singh

alias Minda has already been extended the benefit of regular bail by this Court vide Annexure P-3. He further submitted that a perusal of the aforesaid bail order of the said co-accused would show that in March, 2023 the bail order was passed and only one witness was examined, who was the complainant and he was examined-in-chief, but thereafter, the complainant did not turn up for cross-examination despite repeated adjournments and bailable warrants issued against him. He further submitted that till date, the position is same even after the expiry of about 5 months and to his knowledge, the complainant has already left the country and that is the reason as to why he is not coming forward for cross-examination. He further submitted that be that as it may, the custody of the petitioner is about 1 year and 11 months and the petitioner is at parity with the aforesaid co-accused, who has already been granted bail by this Court vide Annexure P-3 and therefore, the petitioner may also be considered for the grant of regular bail.

3. On the other hand, Mr. Ramdeep Pratap Singh, Senior DAG, Punjab has filed the custody certificate of the petitioner in Court today and the same is taken on record. He has submitted that as per the custody certificate, the petitioner has already faced incarceration of 1 year 10 months and 13 days and he is not involved in any other case. So far as the parity of the petitioner with the aforesaid co-accused is concerned, the learned State counsel has not disputed the same.

4. I have heard the learned counsel for the parties.

5. The petitioner is in custody from 02.10.2021, which is about 1 year and 11 months and he is not involved in any other case. The other co-accused,

namely, Amrinder Singh alias Minda has already been extended the benefit of regular bail by this Court vide Annexure P-3 and he is stated to be at parity with the present petitioner. Furthermore, it is not the case of the State counsel that in case the petitioner is released on bail, then he may influence any prosecution witness or may tamper with evidence or may flee from justice.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

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

8. 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.

16.08.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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