

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

CRM-M-33730-2022 (O&M)

Date of decision : 28.08.2023

GURJOT SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Tarun Deora, Advocate,
Mr. Harnoor Singh Majithia, Advocate and
Mr. Ashir Gulati, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

CRM-21806-2023

This is an application seeking preponement of the date of hearing.

Since the main case is already listed today itself, the instant application has been rendered infructuous. The same is dismissed as such.

CRM-M-33730-2022

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.007 dated 11.01.2022 registered for the offences punishable under Sections 302, 148, 149, 427, 482, 411, 201, 120-B IPC and Sections 25, 54, 59 of Arms Act, at Police Station Tripuri, District Patiala.

2. Reliance has been placed upon order dated 13th of May, 2022

passed in CRM-M No.19327 of 2022 whereby co-accused namely Davinder Singh @ Gulli stands admitted to bail observing as under :-

“xxxx

Present petition is opposed by State counsel, who has put in appearance on service of advance copy of petition. On instructions from SI Pavittar Singh, she submits that after completion of investigation challan has been presented against all the accused persons including the petitioner. At the same time, State counsel admitted that no incriminating article was recovered from the possession of the petitioner, who is in custody since 22.01.2022. The State counsel has not refuted the fact that the only allegation against the petitioner is that he along with Gurjot Singh, Sukhdeep Singh and Ranjit Singh @ Rana was keeping watch on the house as well as movement of deceased Tara Dutt prior to the present occurrence.

Investigation in the present case has been completed but it will take time for completion of trial. In view of the fact that the only allegation appearing against the petitioner is that he kept watch on the house and movement of the deceased Tara Dutt, no useful purpose is going to be served by keeping him in custody for any longer period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.”

3. Counsel for the State does not dispute the fact that the petitioner is facing similar charges as are being faced by Davinder Singh @ Gulli who stands admitted to bail. Apart therefrom the petitioner is behind bars since 31st of January, 2022. Challan already stands presented. Moreover, four accused also stand admitted to bail.

4. I have heard counsel for the parties and have gone through records of the case.
5. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner coupled with the fact that after completion of investigation Challan already stands presented, granting parity, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
6. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 28, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No