

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

CRM-M-32376-2023

Date of Decision:31.10.2023

Amandeep Singh @ Buta

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Tarundeep Kumar, Advocate, for the petitioner.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.102 dated 27.08.2016 registered under Sections 302, 307, 324, 148, 149 of IPC (Section 326 IPC added later on) and Sections 25, 27 and 54 of Arms Act, 1959, at Police Station Hathur, Ludhiana.

2. Learned counsel for the petitioner contends that even as per the initial version, the petitioner was shown to be simply present at the place of occurrence and was wrongly shown to be armed with *kirpan*. However, there was no specific attribution to the present petitioner. Learned counsel further contends that the petitioner was found to be innocent during the investigation conducted by the SIT in the present case and was later on summoned by the trial Court under Section 319 Cr.P.C. vide order dated 18.01.2020. Learned counsel further contends that co-accused, namely, Jagraj Singh alias Raju and Inderjit Singh @ Gori, who were also summoned under Section 319 Cr.P.C.

along with the present petitioner, have already been granted the concession of anticipatory bail. He further submits that another similarly placed co-accused, namely, Harnarinder Singh @ Honey has also been granted the concession of regular bail by this Court vide order dated 08.02.2022 in CRM-M-48893-2021. The petitioner is stated to be in custody since 29.08.2022 in the present case.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that three more cases have been registered against the present petitioner.

4. I have heard learned counsel for the parties and perused the record.

5. Learned State counsel could not dispute the fact that two similarly placed co-accused, namely, Jagraj Singh alias Raju and Inderjit Singh @ Gori, who were also summoned as additional accused to face the trial in the present case and were similarly placed, have already been granted the concession of anticipatory bail and another co-accused, Harnarinder Singh @ Honey has been granted the concession of regular bail by this Court on 08.02.2022. Apart from that, the petitioner was found innocent during the course of investigation by SIT and is in custody since 29.08.2022. Thus, in the considered opinion of the Court, the petitioner is also entitled to the concession of bail in the present case.

6. No doubt, three more cases were also registered against the present petitioner, but the same cannot be made the basis for rejection of the bail application, especially when learned counsel for the petitioner has been able to make out a case for grant of concession of bail in the peculiar facts and circumstances of the present cases.

7. Thus, 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/Duty Magistrate/Chief Judicial Magistrate, concerned.

31.10.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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