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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-39888-2023 (O&M)

Date of decision: 22.08.2023

JAGDISH SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Deepinder Brar, Advocate  
for the petitioner.

Mr. Ramdeep Partap Singh, Senior DAG, Punjab.

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**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.19 dated 26.01.2021, under Sections 307, 326, 341, 506, 148, 149 and 427 of the IPC, registered at Police Station Dehlon, District Ludhiana, Punjab.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for about more than two years. He submitted that the material witnesses have already been examined and the complainant and the eye-witness have not supported the prosecution version and have turned hostile. He further submitted that similarly situated co-accused, namely, Sonu, who was also not named in the FIR was thereafter named in the supplementary statement has

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already been extended the benefit of regular bail by a Co-ordinate Bench of this Court in CRM-M-29061-2022 on 27.07.2022. He further submitted that so far as the present petitioner is concerned, he is exactly at parity with the said co-accused, namely, Sonu. He further submitted that other co-accused, namely, Gurpreet Singh alias Gopi and Baljinder Singh alias Biru, who were rather named in the FIR have already been extended the benefit of regular bail by a Coordinate Bench of this Court in CRM-M-10680-2023 and CRM-M-25001-2023 on 12.05.2023 and 22.05.2023 respectively. He further submitted that in view of the aforesaid facts and circumstances and since the trial of the case will take long time to conclude and similarly situated aforesaid co-accused have already been extended the benefit of regular bail by a Coordinate Bench of this Court, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. Ramdeep Partap Singh, Senior DAG, Punjab has submitted that it is correct that the petitioner is in custody for about more than two years and aforesaid other co-accused have already been extended the benefit of regular bail by a Co-ordinate Bench of this Court. He further submitted that it is also correct that initially the petitioner was not named in the FIR and thereafter on the basis of supplementary statement, he was nominated as an accused. He further submitted on instructions that the petitioner is not involved in any other case.

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

5. It is a case where the custody of the petitioner is stated to be about more than two years and he is exactly at parity with the aforesaid co-accused,

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namely, Sonu, who has already been extended the benefit of regular bail by a Co-ordinate Bench of this Court. Two co-accused as aforesaid, who were named in the FIR have already been extended the benefit of regular bail. The parity aspect of the petitioner with aforesaid co-accused Sonu has not been denied by the learned State counsel and the petitioner is stated to be not involved in any other case.

6. Therefore, considering the aforesaid totality and circumstances of the case, 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 the merits of the case and is meant for the purpose of deciding the present petition only.

22.08.2023  
Chetan Thakur

(JASGURPREET SINGH PURI)  
JUDGE

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