

S. No.207

2023:PHHC:114973

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

CRM-M-41099 of 2023

Date of Decision:01.09.2023

Gurbhinder Singh @ Gurbinder Singh @ RaviPetitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. K.S. Brar, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of this petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail in case FIR No.138 dated 16.12.2022 registered under Sections 304, 201 and 34 IPC at Police Station Badhni Kalan, District Moga.

Learned counsel for the petitioner contends that similarly placed co-accused Manjit Singh @ Mandeep Singh @ Deepa has already been allowed bail by this Court vide order dated 13.07.2023 passed in CRM-M-13157 of 2023 (Annexure P.2).

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab, accepts notice on behalf of the respondent- State.

Learned State Counsel does not dispute the fact that case of the petitioner is on parity with co-accused Manjit Singh @ Mandeep Singh @ Deepa. Custody certificate has been placed on record, as per which, petitioner is in custody for the last 08 months and 04 days.

In CRM-M-13157 of 2023, following order was passed by this

Court:-

“By way of this petition filed under Section 439 Cr.P.C, petitioner has prayed for grant of regular bail in case FIR No.138 dated 16.12.2022 registered under Section 304 IPC and under Sections 34 and 201 IPC (added later on) at Police Station Badhni Kalan, District Moga.

As per allegations, Sarup Singh expired due to overdose of intoxicant. Role of the petitioner is that deceased and his friend Gurbhinder Singh had purchased the contraband from the petitioner as emerged in the interrogation of the co-accused Gurbhinder Singh.

As per custody certificate placed on record, petitioner is in custody for the last 06 months 13 days with no criminal antecedents.

Having regard to the role attributed to the petitioner, but without commenting anything further on the merits of the case, petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

Disposed of.”

Considering the fact that case of the petitioner is on same footing but without commenting anything on the merits of the case, the present petition is allowed and the petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

September 01, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No