

CRM-M-42250-2023 (O&M) and
CRM-M-55042-2023

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2023:PHHC:143126

231+245

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 08.11.2023

(I) CRM-M-42250-2023 (O&M)

GAGANDEEP SINGH @ GUDDU

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

(II) CRM-M-55042-2023

HAPPY DHIMAN

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Kuljit Singh, Advocate for
Mr. Gaurav Deep Goel, Advocate
for the petitioner in CRM-M-42250-2023.

Mr. Mohit Kumar, Advocate
for the petitioner in CRM-M-55042-2023.

Mr. Harsimar Singh Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

Both these petitions are taken up together for final disposal with the consent of learned counsel for the parties since both these petitions arise out of the same FIR and the prayer in both these cases is for the grant of regular bail.

Both these petitions have been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No.87 dated 05.06.2023, under Sections 379, 397, 398, 401, 411 and 473 of the IPC, registered at Police Station Passiana, District Patiala, Punjab.

Learned counsel for both the petitioners submitted that both the petitioners are in custody from 06.06.2023, which is more than 5 months and the investigation of the case has already been completed and thereafter, challan has also been presented. They further submitted that it is a case where the allegations against the petitioners are with regard to planning to commit dacoity but no overt act has been alleged by the police in this regard. They further submitted that as per the allegations, both the petitioners along with other co-accused were planning to commit robbery with some deadly weapons but no overt act has been committed by any of the accused and it was only on the basis of suspicion that the present FIR was registered and thereafter, the petitioners were arrested along with the other co-accused. They also submitted that both the petitioners are not involved in any other case and even otherwise also, similarly situated other co-accused, namely, Jaswinder Singh alias Jass Bhangu, Gopal Singh and Karanvir Singh have already been extended the benefit of regular bail by this Court vide Annexures P-3, P-4 and P-5, respectively, attached with CRM-M-55042-2023. They further submitted that both the petitioners are at parity with the aforesaid co-accused, who have been granted the concession of regular bail by this Court.

On the other hand, Mr. Harsimar Singh Sitta, DAG, Punjab submitted that the parity of both the petitioners with the aforesaid three

co-accused is correct and it is a case where the allegations are pertaining to planning to commit robbery with some deadly weapons.

I have heard the learned counsel for the parties.

Both the petitioners are in custody from 06.06.2023 and the investigation of the case has already been completed by the police and thereafter, challan has also been presented before the competent Court. The parity aspect of the petitioners with the aforesaid three co-accused has not been denied by the learned State counsel. Furthermore, it is not the case of the learned State counsel that in case the petitioners are released on bail, then they may influence any witness or may tamper with evidence or may flee from justice.

Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to both the petitioners.

Consequently, both the petitions are allowed. The petitioners shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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.

08.11.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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