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

CRM-M-42797-2023

Date of Decision: 05.09.2023

Prabhjot Singh @ Gaggi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Dheeraj K. Sharmal, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.19, dated 26.01.2021, under Sections 341, 326, 506, 148, 149 & 427 IPC (Section 307 IPC added later on), registered at Police Station Dehlon, District Ludhiana.

2. It has been submitted by learned counsel for the petitioner that petitioner is in custody since 27.02.2021 which is more than 2½ years. He further submitted that the other co-accused, namely, Gurpreet Singh @ Gopi, who is exactly at parity with the present petitioner, has already been extended the benefit of regular bail by a Co-ordinate Bench of Court in CRM-M-10680-2023 on 12.05.2023 vide Annexure P-5. He further submitted that some of the other co-accused, namely, Sonu, Baljinder Singh @ Biru and Jagdish Singh have also been extended the benefit of regular bail by this Court. He also submitted that the complainant in the present case

has already been examined and he has not supported the prosecution version and his statement has been attached as Annexure P-2 in the present petition. He further submitted that now three witnesses have already been examined including the complainant, who did not support the prosecution version. He submitted that considering the long custody of the petitioner which is more than 2½ years and the fact that the trial of the case may take long time, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has stated that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the other co-accused, namely, Gurpreet Singh @ Gopi, who is exactly at parity with the present petitioner, has been granted regular bail by a Co-ordinate Bench of this Court. He has however opposed the grant of regular bail to the petitioner on the ground that the petitioner had caused injuries on the head of the complainant and the injured.

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

5. It is a case where the petitioner is in custody since 27.02.2021, which is more than 2½ years. The other co-accused, namely, Gurpreet Singh @ Gopi, who is exactly at parity with the petitioner, has already been extended the benefit of regular bail by a Co-ordinate Bench of this Court vide Annexure P-5. Three witnesses including the complainant have already been examined and as per Annexure P-2, the complainant has not supported the prosecution version. Therefore, this Court is of the view that considering the total custody of the petitioner, which is stated to be more than 2½ years and the fact that the other co-accused, namely, Gupreet Singh

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@ Gopi, who is stated to be at parity with the petitioner, has already been granted regular bail, the present petitioner also deserves the concession of regular bail.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

05.09.2023 (JASGURPREET SINGH PURI)
Bhumika JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |