S. No.221 **2023:PHHC:117697**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-43366 of 2023
Date of Decision:06.09.2023

Arshdeep Singh @ Arsh **.....Petitioner**

Vs.

State of Punjab **.....Respondent**

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Veneet Sharma, Advocate for the petitioner.

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DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.0171 dated 10.07.2021 registered under Sections 302, 34 and 201 IPC at Police Station Chattiwind, Amritsar Rural, District Amritsar.

It is contended by learned counsel for the petitioner that similarly placed co-accused Deepak @ Deepu has already been allowed bail by this Court vide order dated 24.08.2023 in CRM-M-40702 of 2023.

Notice of motion.

Mr. P.S. Pandher, AAG, Punjab, accepts notice on behalf of the respondent- State. Custody certificate has been placed on record.

In CRM-M-40702 of 2023 decided on 24.08.2023, while allowing bail to the co-accused Deepak @ Deepu, it was observed as under:-

> *"Prayer in this petitioner filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.0171, dated 10.07.2021, under Sections 302, 34 and 201 of IPC, registered at Police Station Chattiwind, Amritsar Rural, District Amritsar.*
>
> *It is contended by learned counsel for the petitioner that FIR was lodged on the complaint of Surjit Kaur, as per which on 09.07.2021 at about 8 p.m.,*

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Rajpreeet Singh, Jagpreet Singh and petitioner Deepak @ Deepu had came to their lane and called her son Ranjit Singh @ Suraj. Thereafter, Jagpreet Singh raised alarm to get hold and on that Arsh and petitioner Deepak @ Deepu held Ranjit Singh @ Suraj from arms and thereafter Rajpreet Singh and Jagpreet Singh started beating him. Rajpreet Singh gave a krich blow resulting in the death of Ranjit Singh @ Suraj.

Learned counsel further contends that the only role attributed to the petitioner is that he along with Arsh had caught hold the deceased. Learned counsel further contends that even this part of the allegation has not been supported by complainant of this case i.e. Surjit Kaur during her testimony before the Trial Court.

Learned counsel for the petitioner has drawn attention towards Annexure P-2, the statement of Surjit Kaur, made during the Trial Court, in which she clearly stated that petitioner Deepak @ Deepu and Arsh are not the persons, who had caught hold of her son and that they had not given any beatings. She had given the entire attribution is to Jagpreet Singh and Rajpreet Singh.

Notice of motion.

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

Learned State counsel does not dispute the aforesaid facts. It is conceded that even if the testimony of PW1 is ignored for the time being, the only role attributed to the petitioner is to have caught hold of the deceased and it is Rajpreet Singh and Jagpreet Singh, who had given beatings to the deceased.

Custody certificate placed on record by learned State counsel reveals that the petitioner is in custody for the last 02 years, 01 month and 05 days with no criminal antecedent.

Having regard to all the aforesaid facts and circumstances, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing bail bonds and surety bonds

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to the satisfaction of learned Trial Court/Duty Magistrate concerned.

Allowed."

It is thus clear that case of the petitioner is on same footing as of co-accused Deepak @ Deepu. As per the custody certificate placed on record, petitioner is in custody for the last 02 years 01 month and 18 days. Though he is involved in one more case under Sections 379, 411 IPC but he is on bail in that case.

Having regard to all the facts and circumstances of the case and also on the basis of parity, 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 trial Court/ Duty Magistrate concerned.

September 06, 2023 **(DEEPAK GUPTA)**
renu **JUDGE**

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

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