

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-45748-2022

Date of Decision: 06.02.2023

Gagandeep Singh @ Gago and others

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. A.P.S. Sandhu, Advocate for the petitioners.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Reply dated 13.01.2023, filed by way of affidavit of Sh. Varinder Singh Khosa, Assistant Commissioner of Police (North), Amritsar, on behalf of respondent-State, 1 is taken on record.

The petitioners, namely; Gagandeep Singh @ Gago, Sukhwinder Singh @ Guna and Gurpal Singh @ Rinka, have filed the present petition under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.124 dated 01.09.2019 registered under Sections 452, 379-B, 427, 148, 149, 506 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Ranjit Avenue, District Police Commissionerate Amritsar to which Sections 379 B(2) and 201 of the IPC were added later on.

The above-said FIR was registered on statement of Barkat

Masih who alleged that on 01.09.2019 at about 9:00 p.m. 15-20 young persons (including the petitioners), who were holding dandas, baseball bats and iron rods in their hands, entered into his house and damaged the household articles. One accused-Tarsem Singh snatched his mobile phone and the remaining accused came out of his house and damaged his car. When he raised alarm, the accused fled away from the spot.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the instant case. The allegations made in the complaint are general in nature. No specific role has been attributed to the petitioners and no article has been recovered from them. Co-accused-Harwant Singh, has already been granted the concession of regular bail by this Court vide order dated 18.08.2022 (Annexure P-2). The petitioners are in custody since 26.04.2022. Challan has already been presented in the Court and charges have also been framed. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioners in custody. Therefore, they may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition on the grounds that the petitioners along with other co-accused have committed a serious offence.

Keeping in view the facts and circumstances of the case, nature of accusation, the fact that no specific role attributed to the petitioners and the fact that the trial is likely to take long time but without commenting on merits of the case, I am of the considered view that the

petitioners deserve the concession of regular bail.

Therefore, the petition is allowed and the petitioners, namely; Gagandeep Singh @ Gago, Sukhwinder Singh @ Guna and Gurpal Singh @ Rinka, are ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

February 06, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No