

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:146227
CRM-M-53839-2023
Date of Decision: November 17, 2023

Gurdit Singh @ Money ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

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

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

Mr. Vivek Salathia, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

Status report by way of affidavit of Shri Surinder Singh, Asstt. Commissioner of Police, Amritsar, has been filed on behalf of respondent-State.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.0065 dated 03.06.2023, under Sections 307, 148, 149 of IPC, besides Section 25 and 27 of the Arms Act, 1959, registered at Police Station Division D, District Police Commissionerate Amritsar.

It is contended by learned counsel for the petitioner that it is co-accused Abhi, who along with 10-11 persons, are alleged to have fired shot at Gurpreet Singh, the nephew of the complainant, hitting on his left chest. Learned counsel further contends that the petitioner is not named in the FIR and that his name has surfaced in the disclosure statement of co-accused Sohan Singh alias Sonu Mahajan and that said Sohan Singh alias Sonu Mahajan has already been allowed bail by this Court vide order dated 11.10.2023 passed in CRM-M-44710-2023 (Annexure P-2).

Learned State counsel does not dispute the aforesaid fact that the case of the petitioner is on the same footing as that of co-accused Sohan Singh alias Sonu Mahajan and that the name of the petitioner has surfaced in the disclosure statement of Sohan Singh alias Sonu Mahajan.

Custody certificate placed on record by learned State counsel reveals that the petitioner is in custody for the last 04 months and 19 days, with no criminal antecedent.

However, Learned counsel for the complainant opposes the bail petition by submitting that bail should not be granted to the petitioner till the deposition of the complainant in the main case.

Heard.

Considering the fact that similarly placed co-accused Sohan Singh alias Sonu Mahajan has already been allowed bail and that there is no specific role attributed to the petitioner, who was not named in the FIR, there is no justification to deny the bail to him, particularly on the basis of parity. However, condition may be imposed upon the petitioner that he will not try to contact the complainant or any other witnesses associated with the trial, in any manner whatsoever.

Consequently, the present bail petition is allowed. The petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

November 17, 2023
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(DEEPAK GUPTA)
JUDGE

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