

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59201-2022

Date of Decision :16.02.2023

Gagandeep Singh @ Gagna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Judgepreet Singh Warring, Advocate for the petitioner.

Mr. Gurvinder Singh AAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.55 dated 20.04.2020 registered under Sections 307, 323, 148, 149 of the IPC (Section 325 of the IPC added later on) at Police Station Raman, District Bathinda.

Learned counsel for the petitioner argues that the allegations against the petitioner are similar to that of another co-accused namely, Dupinder Singh @ Siltu that both of them had given blow on the back of the victim. Learned counsel for the petitioner submits the further allegation against the petitioner is that he has given additional blow on the head of the victim though, the said injury is simple in nature. Learned counsel for the petitioner further submits that co-accused Dupinder Singh @ Siltu has already been granted the concession of regular bail by the Coordinate Bench

of this Court while passing order in CRM-M-29728-2022 titled as

Dupinder Singh @ Siltu vs. State of Punjab on 29.11.2022 hence, the petitioner be also extended the concession of regular bail as it is yet to be established whether the grievous injury which is termed as dangerous to life has been inflicted by the petitioner or not. Learned counsel for the petitioner submits that the petitioner is behind the bars for the last two years and 08 months and more than five opportunities have been given to the complainant for recording the testimony but he did not come forward for the same, which shows that complainant is trying to delay the trial so that the petitioner can be retained behind the bars as far as possible.

Learned State counsel does not dispute the facts which have been noticed hereinbefore but submits that as the petitioner was one of the main assailant, his prayer for the grant of regular bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that it is yet to be proved as to which of the accused has inflicted injury, which was dangerous to life and the co-accused Dupinder Singh @ siltu has already been extended concession of regular bail by the Coordinate Bench of this Court while passing order in CRM-M-29728-2022 titled as **Dupinder Singh @ Siltu vs. State of Punjab** on 29.11.2022 against whom similar allegations have been alleged hence, on the ground of parity, the petitioner has made out the case for the grant of regular bail especially, when the petitioner is behind the bars for the last two years and 08 months and despite due opportunities, the complainant has not come forward for testimony and especially, when learned counsel

for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

February 16, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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