

217 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-58815-2022

Date of Decision: 01.05.2023

KAMALJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kirat Pal Dhaliwal, Advocate and
for the petitioner.

Mr. Arun William, Asst. A.G. Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is the second petition filed under Section 439 of Code of Criminal Procedure for seeking grant of regular bail in case FIR No.18 dated 30.01.2022 under Section 307 and 34 of the IPC and 25, 54, 59 of Arms Act dated 30.01.2022 registered at Police Station PAU, District Ludhiana.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for more than 1 year and the investigation of the case is complete and the challan has been presented and the charges have been framed on 29.11.2022. It is a case where the petitioner has no criminal antecedents and is not involved in any other case. The allegations as per the FIR were that two unknown persons had come and fired with a fire-arm on the injured. The petitioner was not named in the FIR, it was only after one month that on the basis of supplementary statement that his name was nominated. He submitted that the other co-accused who is exactly at parity with the petitioner has been extended the benefit of regular bail by a Co-ordinate Bench of this Court in CRM-M-46096-2022 dated 17.04.2023 titled *Gagandeep Singh @ Pawna Vs.*

State of Punjab and submitted that in view of the aforesaid position, the petitioner may also be considered for concession of regular bail.

3. On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody for more than 1 year and he is not involved in any other case and has clean antecedents and the other similarly situated co-accused, namely, Gagandeep Singh @ Pawna who is at parity with the petitioner, has been granted bail by this Court.

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

5. It is a case where the petitioner has already faced incarceration for more than 1 year and as per the learned counsel for the parties, the investigation has been completed and charges have been framed and other co-accused, namely, Gagandeep Singh @ Pawna who is stated to be at parity with the petitioner has been extended the benefit of bail.

6. In view of the aforesaid facts and circumstances, this Court is of the view, that the petitioner deserves the concession of regular bail.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed herein above shall not be treated as an expression of opinion on merits of the case & is only meant for the purpose of decision of present petition.

01.05.2023
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(JASGURPREET SINGH PURI)
JUDGE

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