

CRM-M-4305-2024

Date of Decision:01.02.2024

Gagandeep Singh @ Dipi

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat**Present :** Mr. Satvir Singh, Advocate with
Mr. Kanwaljeet Singh, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.102 dated 23.05.2023 registered under Sections 307, 323, 341, 506, 34, 120-B of IPC (Sections 325, 148, 149 of IPC added later on and Section 34 IPC deleted later on), at Police Station City Sangrur, District Sangrur.

2. The FIR in the present case was registered on the basis of the statement made by Amandeep Singh son of Pyara Singh. As per the complainant, on 23.05.2023, while he was going on his scooter, he was attacked by Harditpuri, Mani and two unknown persons and the injuries were caused to him.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR nor there is any averment in the FIR, which establishes the identity of the petitioner in any manner. As per case of the prosecution, later on, the supplementary statement of the complainant was recorded and the

petitioner and one Narinderpal Singh @ Bhola were also arrayed as an accused in the present case. He further contends that no test identification parade was conducted in the present case and the petitioner has been falsely involved only on the basis of the suspicion. The petitioner was arrested in the present case on 18.07.2023 and the final report under Section 173 Cr.P.C. has already been presented before the Court. As per the said supplementary statement, the petitioner was empty handed and had only dragged the complainant at the time of occurrence.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that a specific role has been assigned to the petitioner and the injuries suffered by the complainant were grievous and dangerous to life. Thus, the petitioner does not deserve the concession of bail by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 18.07.2023 and is in custody for the last more than 6 months. The final report under Section 173 Cr.P.C. has already been presented against the petitioner. Apart from that, no other criminal case was registered against him.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

01.02.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No