

**237 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2024:PHHC:024081

CRM-M-8221-2024

Date of Decision: February 21, 2024

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Navraj Singh Mahal, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.286 dated 30.10.2022, under Sections 302, 307 and 120-B of IPC, besides Section 25 of the Arms Act, 1959 (Section 25 of the Arms Act deleted later on), registered at Police Station Jandiala, District Amritsar, Punjab.

2. FIR was lodged on the complaint of Balwinder Singh, as per which on 30.10.2022, Jugraj Singh and Kulwinder Singh attacked Bikram Singh and Dilraj Singh with a *krich* causing various injuries to them. Bikram Singh became unconscious and later on died.

3. Learned counsel for the petitioner has drawn attention towards the fact that petitioner is not named in the FIR. It is after 22 days, i.e. on 21.11.2022, the complainant made a supplementary statement alleging that it is at the instigation of petitioner Gurpreet Singh, Jaspreet Kaur and Rajbir Kaur that Jugraj Singh and Kulwinder Singh had accomplished the occurrence.

4. Learned counsel for the petitioner further points out that similarly placed co-accused Jaspreet Kaur, who was also named in the supplementary statement made after 22 days of the occurrence, has already been given the benefit of pre-arrest bail by a co-ordinate Bench of this Court, vide order dated 01.06.2023 passed in CRM-M-28527-2023 (Annexure P-3). Learned counsel also submits that the petitioner is in custody for the last more than 05 months.

5. Notice of motion.

6. Mr. Sahil R. Bakshi, AAG, Punjab accepts notice on behalf of respondent-State. Power of attorney has also been filed by Mr. B.S. Jaswal, Advocate on behalf of the complainant.

7. Learned State counsel has placed on record the custody certificate revealing that the petitioner is in custody for the last 06 months and 01 day. Learned State counsel could not refute any of the aforesaid contentions to the effect that the name of the petitioner has surfaced after 22 days of the occurrence in the supplementary statement made by the complainant and that too regarding the instigation to the main accused.

8. Having regard to the aforesaid facts and circumstances, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

Allowed.

February 21, 2024

sarita

Whether reasoned/speaking: Yes/No

(DEEPAK GUPTA)

JUDGE

Whether reportable:

Yes/No