

CRM-M-10574-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

205

CRM-M-10574-2024
Date of decision:14.10.2024

GAGANDEEP SINGH @ GAGNI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sarabjit Singh Grewal, Advocate
for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

1. This is the 2nd petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in:-

FIR No.	Dated	Police Station	Sections
108	12.04.2020	Sadar Mansa, District Mansa	307, 323, 353, 186, 188, 269, 148 and 149, IPC, 1860 and Sections 51A and 54 of Disaster Management Act, 2005

2. Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of ASI Gurtej Singh, alleging that on

**CRM-M-10574-2024****-2-**

22.03.2020, a curfew had been imposed due to the spread of the pandemic. He was enforcing the lockdown restrictions alongwith his colleagues HC Harjinder Singh, HC Inderjit Singh, ASI Satpal Singh and Constable Balwinder Singh. They were travelling in a government vehicle, which was being driven by Sukhchain Singh, when they were attacked by a group of 32-35 persons, who were carrying wooden sticks. It has been alleged that Gagandeep Singh @ Gagni, present petitioner, and Bau instigated the co-accused. Darshan Singh, who was carrying a spade, hit the complainant on his head and Gagni inflicted a blow on his face. Allegation of assault has also been levelled against Goldy and Sippy. The complainant alongwith his colleagues managed to save themselves by speding on the government vehicle, which was attacked with the brickbats.

3. Counsel for the petitioner submits that the petitioner, who has clean antecedents, has been falsely implicated. He asserts that the petitioner was granted concession of regular bail by this Court vide order dated 18.06.2020 passed in CRM-M-14343-2020. He submits that as the petitioner could not appear before the Trial Court, he was declared as a Proclaimed Offender on 30.09.2023. He asserts that the petitioner surrendered on 01.11.2023 and has joined the proceedings, but the trial is at an initial stage and the petitioner deserves to be released from detention.

- 4.. Per Contra, learned State counsel, upon instructions from ASI Makhan Singh, has opposed the petition. He has filed custody certificate dated 11.10.2024, which is taken on record. As per his instructions, out of 12 prosecution witnesses, none has been examined, although the charge was framed on 08.11.2023.
5. I have heard counsel for the parties and considered their respective submissions.
6. Petitioner was released on bail by this Court in June, 2020, but he absconded and was declared a Proclaimed Offender. After his surrender, he has been in custody since 01.11.2023. Trial is not progressing as the prosecution has failed to examine even a single witness. Petitioner has an unblemished past and has been languishing in custody for more than one year. This Court is, therefore, inclined to accept the prayer made in the petition.
7. Without adverting to the merits or de-merits of the arguments addressed, petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. Any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

14.10.2024

(SUVIR SEHGAL)

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JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No