



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-32368-2024 (O&M)
Date of Decision:- 28.11.2024

Gurwinder Singh @ Malhi ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Rishma Verma, Advocate, for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
158	21.12.2023	Division No.2, Jalandhar	25/54/59 of Arms Act, 1959

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged on the basis of a secret information received by the police to the effect that Akashdeep Singh @ Akash, who had come out of jail where he had been lodged in connection with a murder



case, is standing near grain market, Jalandhar and was carrying weapons. Pursuant to receipt of said information, a raid was conducted at the nominated place and Akashdeep Singh @ Akash was apprehended and from whose possession, 2 pistols and 2 live cartridges were recovered.

3. It is further the case of prosecution that upon interrogation aforesaid Akashdeep Singh @ Akash disclosed that Gurwinder Singh @ Ginda who is involved in some criminal cases was going to meet him and that said Gurwinder Singh would also be carrying some country made weapons. Pursuant to receipt of said disclosure statement the police was able to apprehend aforesaid Gurwinder Singh @ Malhi (petitioner) and from whose possession one country made pistol along with three live cartridges were recovered.
4. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that since the petitioner as on date has been behind bars for the last 11 months and there has been no substantial progress in the proceedings of the trial, the petitioner deserves to be released on bail particularly in view of the fact that identically situated co-accused has already been granted the concession of bail.
5. Opposing the petition, learned State counsel submitted that since the petitioner happens to be involved in 4 other cases, it will not be in societal interest to release him on bail. Learned State counsel has



however, informed that the petitioner has been behind bars since the last 11 months and 3 days and that as on date 2 out of cited 7 PWs have been examined.

6. This Court has considered rival submissions addressed before this Court.
7. Without expressing anything as regards the merits of the case, but having regard to the fact that the petitioner has been behind bars for a substantial period of more than 11 months and identically situated co-accused has already been released on bail, the petitioner deserves the same concession on the ground of parity apart from the long custody which he has already undergone. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.11.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No