

CRM-M-54160-2024

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

**CRM-M-54160-2024**

Date of Decision: 06.11.2024

Gurtej Singh Dhillon

..... Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr.Kamaldip Singh Sidhu, Advocate and  
Ms. Kirandeep Kaur, Advocate for the petitioner.

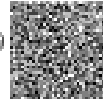
Mr. J.S.Arora, DAG, Punjab.

Mr. Kamal Narula, Advocate, for the complainant.

**Rajesh Bhardwaj, J. (ORAL)**

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.101 dated 02.09.2024, under Sections 105, 115(2), 117(2), 191(3), 190 of BNS, 2023, registered at Police Station Badhni Kalan, District Moga.

2. As per facts of the case, the FIR was registered on the statement of injured Wahigurupal Singh, wherein, it was alleged that he was admitted in De-addiction Centre, where, Jagseer Singh @ Jaggi was also admitted. On being discharged from there, he went to meet Jagseer Singh @ Jaggi on 18.08.2024, however, on returning at about 7:00 p.m., family of Jagseer Singh @ Jaggi gave him beatings. On receiving injuries, he was admitted in the Hospital. Request was made to take legal action against the accused. However, later on 02.09.2024, the injured-complainant died. FIR was registered and the investigation commenced. During the investigation, name of the petitioner surfaced and he was arrayed as an accused and was arrested on 04.09.2024. The petitioner approached the Court of learned Additional Sessions Judge, Moga praying for grant of regular bail, however, on hearing



both the sides, learned Court declined the same vide order dated 09.10.2024. Hence, the petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

3. It has been vehemently contended by counsel for the petitioner that petitioner has been falsely and frivolously implicated in this case. He submits that from the bare reading of the allegations made in the FIR, it is apparent that the petitioner had no role to play as he was not even named in the FIR. He submits that co-accused Shinder Singh @ Sukhwinder Singh who was named in the FIR, has been granted interim anticipatory bail by this Court vide order dated 26.09.2024,. He submits that case of the petitioner is on better footing than that of the co-accused, who has been granted anticipatory bail. He has submitted that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that complicity of the petitioner has been established alongwith the co-accused. He submits that the case is under investigation as challan is yet to be presented. However, he acknowledges that the petitioner is not named in the FIR and his co-accused has already been granted interim anticipatory bail by this Court vide order dated 26.09.2024.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was not named in the FIR. However, during investigation, name of the petitioner surfaced and he was arrayed as an accused. The incident took place on 18.08.2024, whereas, the complainant-

deceased died on 02.09.2024. Co-accused has already been granted interim anticipatory bail by this Court vide order dated 26.09.2024. There is nothing on record to show that the petitioner has any criminal antecedents.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

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|------------|-----------------------------|-------------------|
|            |                             | (RAJESH BHARDWAJ) |
|            |                             | JUDGE             |
| 06.11.2024 | Whether Speaking/Reasoned : | Yes/No            |
| sharmila   | Whether Reportable :        | Yes/No            |