

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision : 07.03.2024

1. CRM-M-60668-2023

Dilpreet Singh @ Golu Petitioner

versus

State of Punjab Respondent

2. CRM-M-48182-2023

Parvinder Singh @ Parminder Singh @ Beli Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Lakshay Bector, Advocate
for the petitioners.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petitions have been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.24 dated 15.02.2023, registered for the offences punishable under Sections 379-B, 34 and 323 of IPC at Police Station Sadar Jagraon, District Ludhiana.
2. Separate replies by way of affidavit of Jasjyot Singh, PPS, DSP, Jagraon, District Ludhiana (Rural) and custody certificates of both the petitioners have been filed on behalf of the State. The same are taken on record.
3. FIR was registered against unknown persons. Counsel for

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were earlier booked in FIR No.119 dated 29.08.2021. The same was later on converted to FIR under Sections 304/323/120-B for the reasons that the deceased was son of a police official. Thereafter, the petitioners were nominated in the present case on the statement made by one Gulshan Kumar, who was also arrested in another FIR No.223 dated 25.10.2021. Counsel refers to para 5 of the reply filed by the State reads as under:-

“That one accused Gulshan Kumar @ Sheru son of Des Raj r/o Atam Park Jagraon was already in custody in case FIR No. 223 dated 25-10-21 u/s 307/294/506/148/149 IPC PS City Jagraon. ASI Gursewak Singh has conducted interrogation of this accused in this case. Accused Gulshan Kumar @ Sheru admitted to have committed the offence of the present case along with Dilpreet Singh @ Golu son of Bohar Singh @ Boota, Parminder Singh @ Beli son of Bhola Singh r/o village Kaunkey and Gurpreet Singh @ Piti son of Buta Singh r/o village Akhara. On this statement Gulshan Kumar @ Sheru, Dilpreet Singh @ Golu, Parminder Singh @ Beli and Gurpreet Singh @ Piti were nominated as accused in the present case vide zimni no. 29 dated 01-07-2023.”

4. Counsel for the petitioners further refers to the tabulated description of the cases pending against them to submit that apart from 02 cases i.e. FIR No.241 dated 04.12.2019 and FIR No.157 of 28.07.2019, registered for offences punishable under Excise Act, all other cases are post FIR No.119 dated 29.08.2021 *ibid* which shows that the petitioners are being victimized only for the reason that the deceased

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in FIR No.119 dated 29.08.2021 happens to be kith and kin of police officials.

5. State counsel is not in a position to dispute that so far as the present case is concerned, the only incriminating evidence against the petitioners is in form of a disclosure made by Gulshan Kumar while in police custody in FIR No.223 dated 25.10.2021.

6. Both the petitioners are behind bars for more than 07 months and 20 days. Keeping in view the incarceration already suffered by the petitioners, the present petitions are allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

8. A photocopy of this order be placed on the file of other connected case.

(PANKAJ JAIN)
JUDGE

07.03.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No