



209

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

CRM-M-29014-2025

Date of Decision: 29.05.2025

Gurwinder Singh alias Gora

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Aditya Anand, Advocate
for the petitioner.

Mr. Ravneet Singh Joshi, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.49 dated 02.08.2024 registered under Section 304 of BNS (Sections 303(2) and 329(3) of BNS were added later on) and Sections 21(1) & 4(1) of Mines and Minerals (Regulation of Development) Act, 1957, at Police Station Singh Bhagwantpur, District Rupnagar.

2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and was nominated as an accused in the present case on the basis of the statement made by Harnek Singh, after 06 months of registration of FIR. He further contends that the petitioner is neither the owner nor the driver of polcain machine as the same is owned by Vasdev. Learned counsel has referred to the order (Annexure P-3) passed by this Court, whereby Jasvir Singh, another similarly placed co-accused has been granted the concession of bail by this Court. Moreover, another co-accused Raj Kumar has

been granted the concession of anticipatory bail by this Court vide order dated 24.04.2025 (Annexure P-2).

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, similarly placed co-accused, namely Jasvir Singh has been granted the concession of regular bail by this Court vide order dated 28.04.2025 (Annexure P-3). The petitioner is in custody since 15.04.2025 and the recoveries, if any, have already been collected from him. Thus, further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

29.05.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No