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

CRM-M-56684-2024**Date of Decision: 09.01.2025**

Gagandeep Singh

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. G.B.S.Dhillon, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. Ashish Naik, Advocate for the complainant.

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.134 dated 19.08.2024 registered under Sections 109, 191(3), 125 of BNS and Section 25 of Arms Act, at Police Station Division No.5, Ludhiana, District Ludhiana.

2. Learned counsel for the petitioner contends that the allegations were levelled by the complainant against Aryan, Deepa Purewal and 3/4 other unidentified persons, who had hit their Breeza car with the car of the complainant. He further submits that admittedly, the petitioner was not the occupant of the car, which had hit the car of the complainant. He further contends that during the course of investigation, a supplementary statement of the complainant was recorded, wherein, he alleged that the petitioner was



travelling in a Scorpio Car, which was also following the Breeza car. He further contends that even though, it has been alleged that the occupants of Breeza car had fired indiscriminately, but no injury was suffered by any of the victim in the present incident and only a bullet had hit the car of the complainant. Learned counsel further contends that the petitioner has been falsely involved in the present case and on an inquiry by ADCP, Ludhiana, the allegations levelled against the petitioner were found to be false. The petitioner was arrested in the present case on 24.08.2024 and the final report under Section 173 Cr.P.C. has already been presented against him.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the Scorpio vehicle of the petitioner was also visible in a CCTV footage, which was collected by the police near the place of occurrence. Learned counsel further submits that the accused party had attacked the complainant as the complainant had to appear as a witness in another criminal case.

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

5. In the present case, it is the admitted case of the prosecution that a Scorpio vehicle, in which the petitioner was travelling, had not hit the vehicle of the complainant. Apart from that, the petitioner was not named in the initial version and even in the supplementary statement, no overt act has been attributed to him. The petitioner is in custody for the last more than 4 months and the trial is not likely to conclude in near future. Moreover, the



apprehensions expressed by the learned counsel for the State of Punjab as well as learned counsel for the complainant can be allayed by imposing stringent conditions on the petitioner, while releasing him on bail.

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 subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*

(vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

(viii) *The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

09.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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