



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

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Date of Decision:- 10.03.2025

I. CRM-M-57853-2024 (O&M)

SUBA SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

II. CRM-M-63145-2024 (O&M)

SUKHWANT SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Vipin Mahajan, Advocate
for the petitioner in CRM-M-57853-2024.

Mr. S.K. Arya, Advocate
for the petitioner in CRM-M-63145-2024.

Mr. Jatinder Pal Singh, Sr. DAG Punjab.

Ms. Jasmine, Advocate for
Mr. Prateek Sodhi, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

1. This common order shall decide the above-mentioned two criminal miscellaneous petitions for grant of bail to the petitioners, as they arise out of same FIR.

2. The instant petitions have been preferred by the petitioners



under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioners in the following case :-

FIR No.	Dated	Sections	Police Station
274	14.12.2023	302, 307, 452, 427, 211, 212, 148, 149, 120-B IPC; 25 and 27 of the Arms Act	Gharinda, District Amritsar, Punjab

3. It is, *inter alia*, contended by learned counsels for the petitioners that the petitioners are innocent and have been falsely implicated in this case. They contend that no specific overt acts have been attributed to the petitioners in the alleged occurrence nor are they alleged to have given any injury to the victim. They submit that after the completion of investigation, challan has been presented in Court and the petitioners are not having any criminal antecedents. They further submit that the case of the petitioners Suba Singh and Sukhwant Singh is at par with co-accused Baaj Singh and Simran Singh respectively, who have been granted the concession of bail by this Court vide order dated 10.09.2024 passed in CRM-M-42352-2024 and CRM-M34586-2024 respectively. Hence, they pray for grant of bail to the petitioners at the ground on parity.

4. *Per contra*, learned State counsel while referring to the replies filed in the respective petitions has assailed these arguments by submitting that the petitioners are specifically named in the FIR and stated to be the members of unlawful assembly, as such, they do not deserve the concession of bail. However, he has not disputed the fact that the case of the petitioners Suba Singh and Sukhwant Singh is at par with co-accused Baaj Singh and



Simran Singh respectively.

5. Heard learned counsel for the parties and perused the record.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the statement of one Shamsher Singh alleging that co-accused Vishal and Karamjit Singh had attacked the complainant party along with other co-accused, wherein Vishal and Karamjit Singh had caused gunshot injuries to the uncle of the complainant namely Manjit Singh @ Laddi and Bikramjit Singh. As a result thereof, Manjit Singh @ Laddi succumbed to the injuries. During the course of investigation, the petitioners were also nominated as accused and petitioner Suba Singh was arrested on 22.05.2024 and petitioner Sukhwant Singh was arrested on 09.07.2024 and since then they are in custody.

7. A perusal of the record would reveal that co-accused Baaj Singh and Simran Singh have already been granted the concession of bail by this Court vide aforesaid order dated 10.09.2024 (*supra*). It is not disputed that the case of petitioners Suba Singh and Sukhwant Singh is at par with co-accused Baaj Singh and Simran Singh respectively. Moreover, no specific injury is attributed to the petitioners in the alleged occurrence. There are two parts of the occurrence, in the first part, co-accused Vishal and Karamjit Singh had given gunshot injuries to the deceased and injured and in the second part no one was injured. Admittedly, the name of co-accused Baaj Singh surfaced in the second part of the occurrence where no one had received any injury while name of co-accused Simran Singh confines only to raising of lalkara. Admittedly, after the completion of investigation,



challan has been presented in Court and the prosecution has cited 25 witnesses but none has been examined till date.

8. Therefore, considering the fact that the conclusion of trial will take sufficient long time to ascertain the criminal liability, if any, of the petitioners and also the fact that no specific overt acts are attributed to them and the case of the petitioners being at par with co-accused Baaj Singh and Simran Singh, no purpose would be served by detaining the petitioners any longer.

9. Consequently, without commenting on the merits of the case, the present petitions are allowed. The petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

10.03.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No