

Deepak Singh @ Deepu Vs State Of Punjab

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Dec. 13, 2022

Acts Referred: Code Of Criminal Procedure, 1973 " Section 439

Indian Penal Code, 1860 " Section 399, 402

Arms Act, 1959 " Section 25, 27

Hon'ble Judges: Avneesh Jhingan, J

Bench: Single Bench

Advocate: Umesh Aggarwal, Arun Luthra

Final Decision: Allowed

Judgement

Avneesh Jhingan, J

This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 315 dated 27.12.2021, under Sections 399/402 IPC and Sections 25 and

27 of the Arms Act, 1959 registered at Police Station Chhehratta, District Amritsar.

Learned counsel for the petitioner claims parity with co- accused who were granted bail by this court on 16.5.2022 in CRM-M- 11000 of 2022 and

connected cases.

On 16.5.2022, this court passed the following order:

“Prayer in both these petitions is for grant of regular bail to petitioners Sukhsahibjit Singh @ Sahib, Malkiat Singh @ Billa and Lovepreet Singh, in

FIR No.315 dated 27.12.2021 under Sections 399 & 402 IPC and Sections 25 & 27 of Arms Act, registered at Police Station Chhehartta, District

Amritsar.

Learned counsel for the petitioners submit that as per allegations in the FIR, registered at the instance of ASI Jagjit Singh, while on patrol duty, he

received a secret information that Amanpreet Singh @ Anda, Ajay, Lovepreet Singh @ Love, Deepak Singh @ Deepu, Rahul, Sarabjit Singh @

Sarab, Malkiat Singh @ Billa and Sukhsahib Singh are present with deadly weapons and are preparing to commit the offence of dacoity. Thereafter,

the police party apprehended them and effected the recovery of some weapons. It is further submitted that from petitioner Sukhsahibjit Singh @

Sahib, a kirpan was recovered and from petitioner Malkiat Singh @ Billa, a baseball bat was recovered. It is also submitted that the petitioners are

first offenders; they are in custody for the last 04 months and 14 days and are not involved in any other case.

Learned State counsel, on the basis of custody certificates filed in the Court today, could not dispute the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and

circumstances of the case, these three petitions are allowed and petitioners Sukhsahibjit Singh @ Sahib, Malkiat Singh @ Billa and Lovepreet Singh

are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Ilalaqa Magistrate/Duty

Magistrate, concerned.

A photocopy of this order be placed on the files of other connected cases.

Learned counsel for the State, appearing on advance notice though opposes the prayer for grant of bail, he is not able to distinguish the parity of the

petitioner with the co-accused so far as grant of bail is concerned. He further submits that knife was recovered from the petitioner.

Without commenting on the merits of the case and on the basis of parity of the petitioner with the co-accused so far as grant of bail is concerned, the

petitioner is granted bail subject to furnishing his bail/surety bonds to the satisfaction of the trial court/Ilalaqa Magistrate/Duty Magistrate concerned.

The petition is allowed.

Since the main petition has been disposed of, the pending application if any is rendered infructuous.