



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

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**CRM-M-42514-2024 (O&M)
Date of Decision: 04.02.2025**

Arshdeep Singh @ Ghuchi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. P.K.S.Phoolka, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for grant of bail pending trial to the petitioner in FIR No.115 dated 20.07.2023, registered under Sections 302, 325, 323 and 148 read with Section 149 of Indian Penal Code, 1860 (for short, 'IPC'), at Police Station Sadar Bathinda, District Bathinda.

2. Allegations are that petitioner along with other co-accused formed an unlawful assembly and in prosecution of the common object of the said assembly, caused serious injuries to Jashandeep Singh -son of the *de facto* complainant-Jagsir Singh and other persons with deadly weapons resulting into death of said Jashandeep.

3. Contends that petitioner is in custody since 25.07.2023 and was not named in the FIR; rather he was nominated on the statement of Gurdeep Singh; further contends that similarly situated co-accused, namely, Gurpal Singh @ Gourav, Baljinder Singh @ Guri @ Lakha and Prempal Singh @ Prem have already been granted bail pending trial by the Co-ordinate Bench; still further contends that charges were framed on 01.02.2024; out of 29 prosecution witnesses, only 1 has been examined and conclusion of trial will



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take sufficient long time; thus, further incarceration of the petitioner would not serve any purpose.

4. *Per contra*, learned State counsel, on instructions from ASI Rajpal Singh, is not able to dispute the above factual position.

5. Heard both sides and perused the paper-book.

6. Concededly, petitioner is in custody since 25.07.2023; Co-accused, namely, Gurpal Singh @ Gourav, Baljinder Singh @ Guri @ Lakha and Prempal Singh @ Prem with similar allegations have already been granted bail pending trial by the Co-ordinate Bench and conclusion of trial may take sufficient long time; thus, further incarceration of the petitioner would not serve any purpose.

7. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

9. The above observations be not construed as an expression of opinion on the merits of the case.

10. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

04.02.2025

Rajeev (rvs)/SN

(MAHABIR SINGH SINDHU)

pJUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No