

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

234

CRM-M-19789-2019 (O&M)
Date of Decision :8.5.2019

Gurwinder Singh

...Petitioner

vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Jasraj Singh, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.147 dated 16.8.2003 registered under Sections 397, 395, 411 IPC, 1860 at police station City, District Hoshiarpur.

Learned counsel has argued that petitioner jumped bail on 8.8.2018 but that is because he was nominated as accused in other case. Moreover, four co-accused have been acquitted in the judgment of acquittal and the Court has given the finding that the case was fabricated. In my opinion, the argument that merely because the petitioner was nominated as accused in other case, may be a reason for non-appearance but it cannot be justification for non-appearance.

Learned DAG on instructions from ASI Prit Pal has accepted these factual assertions that four other co-accused have been acquitted and

there is finding in the judgment of acquittal that police had fabricated the case against those co-accused. She has also accepted that witnesses are the same and the petitioner is otherwise similarly situated co-accused who have been acquitted.

Custody certificate dated 7.5.2019 by way of affidavit of Baljit Singh, PPS, Deputy Superintendent, Central Jail, Hoshiarpur has been filed on behalf of the respondent-State, the same is taken on record. Copy has been supplied to the opposite counsel. The custody certificate also certifies the fact that the petitioner has been in custody for 2 years and 16 days including remission.

Without commenting on the merits of the case, keeping in view the above facts and the period of incarceration already suffered by the petitioner, I deem it appropriate to grant regular bail to the petitioner. Ordered accordingly, Bail to the satisfaction of the concerned Trial Court/Duty Magistrate. Trial Court would be justified in seeking heavy surety from the petitioner.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

8.5.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No