

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM No. M-12016-2021

Date of Decision : 23.04.2021

Balkar Singh @ Gora

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Harjinder Singh, Advocate for
Mr. Avtar S. Khinda, Advocate, for the petitioner.

Ms. Bhavna Gupta, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 24 dated 09.03.2013, under Sections 363, 366-A, 376 and 120-B of the Indian Penal Code registered at Police Station Sadar Kapurthala, District Kapurthala.

Learned counsel for the petitioner argues that co-accused of the petitioner, namely, Charanjit Singh @ Channa and Saudagar Singh @ Kali, against whom the similar allegations were alleged, have already been acquitted of the charges and only co-accused Jodha Singh @ Jodhi has been held guilty of the charges alleged against him. Learned counsel for the petitioner submits that there are no allegations against the petitioner, which relates to Section 376 IPC. Learned counsel further submits that the

trial is likely to take some time before it concludes and therefore, the petitioner be granted the benefit of regular bail.

Notice of motion.

Ms. Bhavna Gupta, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that the petitioner evaded law and did not join the investigation till he was arrested on 21.04.2020. Learned State counsel though concedes that two of the co-accused have already been acquitted and one co-accused has been held guilty.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations against the petitioner are only in respect of helping the main accused, namely, Jodha Singh @ Jodhi in committing the crime. Similar allegations alleged against co-accused Charanjit Singh @ Channa and Saudagar Singh @ Kali have not been proved and they have already been acquitted. The petitioner has already paid the price for evading the law and has remained behind the bars approximately for one year. As the trial is likely to take some time, no useful purpose will be solved keeping the petitioner behind the bars, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

April 23, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No