

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

**CRM-M-17670-2021 (O&M)
Date of decision:28.09.2021**

Bittu Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. M.S. Saini, Advocate for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-30501-2021

Application is allowed as prayed for.

Annexure P-8 is taken on record.

CRM-M-17670-2021

Custody certificate, by way of an affidavit dated 27.09.2021 of Deputy Superintendent, Central Jail, Hoshiarpur, filed in the Court, is taken on record.

Through this petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.34 dated 22.04.2016 registered under Section 396 IPC at Police Station Bullowal, District Hoshiarpur.

Learned counsel for the petitioner states that the petitioner was not named in the FIR and has been implicated in the present case on the basis of an extra-judicial confession, allegedly made by him before Kulwinder Singh, Ex. Sarpanch of the village. No test identification parade of the petitioner and the other co-accused, was ever got conducted. He further submits that the petitioner had no occasion to make the said extra judicial confession before the Ex-Sarpanch and that too after six weeks of the alleged occurrence. Similarly placed co-accused, namely, Mohd. Ali, Sai and Suleman have already been granted bail by this Court, vide orders

dated 24.03.2021 and 01.03.2021 (Annexures P-5 to P7). The petitioner has been in custody since April 2016.

Learned State counsel, while opposing the prayer for grant of regular bail, does not dispute the custody period of the petitioner and the fact that the similarly placed co-accused have already been granted bail. However, he further submits that the petitioner is a habitual offender as he has been involved in many cases and he has been attributed a specific role in the present occurrence. He further submits that out of 24 prosecution witnesses, 8 witnesses have been examined.

I have heard the learned counsel for the parties.

In the present case, similarly situated co-accused have already been granted bail by this Court, vide orders dated 24.03.2021 and 01.03.2021. Out of 24 prosecution witnesses, 8 witnesses have been examined. The petitioner has been in custody since April 2016. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

28.09.2021

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(HARNARESH SINGH GILL)
JUDGE

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