

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21060-2021

Date of Decision: 10.06.2021

Gurwinder Singh @ Goldy

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. H.S. Multani, Assistant Advocate General, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in case bearing FIR No.01 dated 07.01.2021, under Sections 393, 398, 473 of the Indian Penal Code, 1980 (Section 397 IPC added and Section 398 IPC deleted later on), registered at Police Station Mehna, District Moga.

The learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case and the investigation of the case is already complete and no recovery is to be made from the petitioner in the present case. He has submitted that the petitioner is in custody since 07.01.2021 and it will take long time for the trial to commence

and to conclude and, therefore, no useful purpose will be served in case the petitioner is kept in custody. He has further relied upon the order passed by the learned Additional Sessions Judge, Moga Annexure P-3 where similarly situated co-accused namely Arjandeep Singh has been granted bail.

Mr. H.S. Multani, learned Assistant Advocate General, Punjab has submitted that it is correct that the petitioner is in custody since 07.01.2021 and the investigation in the present case is already complete and the challan has already been presented. He has further submitted that the case of other co-accused Arjandeep Singh is in parity with the present petitioner.

I have heard the learned counsel for the parties.

The petitioner is admittedly in custody since 07.01.2021 and the investigation of the case is already complete and no recovery is to be made from the petitioner. It has not been disputed by the learned State counsel that the case of Arjandeep Singh is at parity with that of the petitioner. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstances in the present case, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as

an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

10.06.2021
rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No