

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM No. M-20867-2021

Date of Decision : 28.05.2021

Baljinder Singh

....Petitioner

Versus

The State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Baltej Singh Sidhu, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

This is the 2nd petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 22, dated 09.02.2018, registered under Sections 406, 420, 120-B IPC, at Police Station Mattaur, District SAS Nagar (Mohali).

Learned counsel for the petitioner submits that there are 68 FIRs, which have been registered against the petitioner under the same Sections of the IPC on the basis of similar allegations. Learned counsel for the petitioner further submits that though, the challan has already been submitted but the charges have not been framed and the petitioner is behind bars for the last more than two years and three months. Learned counsel further submits that in the other FIRs, wherein similar allegations have been made, the petitioner has already been granted bail either by the trial Court or

by co-ordinate benches of this Court and copies of the orders granting him bail have been appended with this petition as Annexures-P2 to P7. Learned counsel for the petitioner further submits that keeping in view the fact that in the other FIRs which also contain similar allegations, keeping in view the custody period undergone by the petitioner, the petitioner has been granted regular bail, therefore, on the basis of parity, the petitioner be extended the said benefit in the present FIR.

Notice of motion.

Mr. Sandeep Singh Deol, 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 keeping in view the fact that there are large number of FIRs registered against the petitioner, petitioner is an habitual offender and has cheated many people. Learned State counsel concedes that the allegations in all the FIRs registered against the petitioner are similar and the petitioner has been granted the benefit of bail in some of the FIRs containing the similar allegations, as alleged in the present FIR.

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

Co-ordinate Benches of this Court as well as trial Court while considering the similar pleas as well as similar allegations alleged in other FIRs and also after noticing that there are number of cases pending against the petitioner, have already extended the benefit of regular bail to the petitioner keeping in view the custody undergone. Learned State counsel

has not been able to differentiate that any of the order granting the bail to the petitioner appended with this petition will not be applicable while considering the prayer of the petitioner for the grant of regular bail in the present FIR.

As the petitioner has already undergone more than two years and three months of custody and the trial is likely to take some time before it concludes, no useful purpose will be served keeping the petitioner behind 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.

May 28, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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