

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25045-2021

Date of decision: - 14.09.2021

Pushpinder Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Shubreet Kaur, Advocate,
for the petitioner.

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

Mr. Piyush Sharma, Advocate
for the complainant.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present is the second petition filed under Section 439 Cr.P.C.
for the grant of regular bail to the petitioner in respect of FIR No.14 dated
14.03.2019, registered under Sections 302, 364, 404, 316, 201, 120-B,
148 and 149 IPC, at Police Station Arif Ke, District Ferozepur.

Learned counsel for the petitioner submits that one of the co-
accused, namely, Sandeep Singh, has already been granted the bail by a
Co-ordinate Bench of this Court and therefore, as the petitioner is
similarly situated as co-accused Sandeep Singh, he be also extended the

benefit of regular bail. Learned counsel for the petitioner further submits that though this Court rejected the similar prayer of the petitioner by a speaking order dated 03.06.2020 but after passing of the said order, another witness i.e. the complainant has been examined and therefore, in view of the said changed circumstances, petitioner is entitled for the grant of bail as of now.

Learned State counsel submits that the claim of the petitioner on parity with co-accused Sandeep Singh is misplaced for the reason that allegations against co-accused Sandeep Singh is that he provided the car to the petitioner and other co-accused, in which, the petitioner had done the recce before crime was committed, therefore, petitioner cannot claim himself on a similar footing as co-accused Sandeep Singh.

Learned counsel for the complainant submits that the petitioner has already been identified by the witnesses already examined having performed the recce a day before the incident.

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

The first bail petition of the petitioner was dismissed by a speaking order dated 03.06.2020. No material change in the circumstances having been pointed out to this Court, except the recording of the cross-examination of the complainant, which cannot be treated as a material change in circumstances so as to grant the petitioner concession of bail in the facts and circumstances of this case.

Further, the argument of learned counsel for the petitioner that a similarly situated co-accused, namely, Sandeep Singh has already

been extended the benefit of regular bail cannot be accepted for two reasons. Firstly, the allegations against the said co-accused Sandeep Singh was only of providing a car to the co-accused, whereas, the allegation against the petitioner is that he had recced which facilitated the commission of crime and secondly, when the first bail petition filed by the petitioner was rejected on 03.06.2020, the co-accused Sandeep Singh was already on bail and therefore, the said argument cannot be taken as a ground now for seeking benefit of regular bail.

As there is no material change in the circumstances and the plea of the petitioner for granting regular bail was dismissed by this Court by a speaking order on 03.06.2021, no ground is made out to grant the petitioner the benefit of regular bail, at this stage, especially when other material witnesses are yet to be examined.

Dismissed.

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.

September 14, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No