

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(205)

CRM-M-31343-2021

Date of decision: - 27.09.2021

Rajwinder Singh @ Gagga

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Amaninder Singh Sekhon, Advocate, for the petitioner.

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

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.90 dated 19.07.2020, registered under Sections 341, 323, 349 and 34 IPC (Sections 201 and 379-B IPC added later on and Section 379 IPC was deleted), at Police Station Sadar Faridkot, District Faridkot.

Learned counsel for the petitioner argues that the main allegations are against co-accused, namely, Sukhjinder Singh @ Baba, who has already been granted the concession of regular bail by a Co-ordinate Bench of this Court while deciding CRM-M-19950-2021 on 07.07.2021 and therefore, on the ground of parity, the petitioner is also entitled for the grant of regular bail.

Notice of motion.

Mr. Sandeep Singh Deol, 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 concedes the fact that co-accused, namely, Sukhjinder Singh @ Baba, who is the main accused, has already been granted the concession of regular bail by a Co-ordinate Bench of this Court while deciding CRM-M-19950-2021 on 07.07.2021. Learned State counsel further concedes that the allegations against the present petitioner as well as co-accused, namely, Sukhjinder Singh @ Baba are similar in nature.

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

The co-accused, namely, Sukhjinder Singh @ Baba has been granted the benefit of regular bail by this Court while deciding CRM-M-19950-2021 on 07.07.2021 and the relevant order is as under: -

“Case taken up through video conferencing.

Reply as well as custody certificate filed by State counsel be taken on record

This petition for regular bail has been filed by petitioner Sukhjinder Singh @ Baba, an accused in FIR No.90 dated 19.07.2020, for offences under Sections 341, 323, 379-B, 201 and 34 IPC (Section 379-B and 201 IPC added later on and Section 379 IPC was deleted), registered at Police Station Sadar Faridkot, District Faridkot.

Briefly stated facts of the case as per prosecution version are that, on 18.07.2020, complainant Baltej Singh running a pesticide business, had collected an amount of Rs.2 lacs from Gurdev Singh and went to his office at Village Pakhi Kalan, where Rajwinder Singh @ Bagga and Sukhjinder Singh @ Baba (present petitioner) of his village

also came there and started consuming liquor. At about 9.00 PM, both of them went away on their motorcycle. After 10-15 minutes, the complainant closed his office and proceeded towards his Village Hardialeana on his motorcycle. At about 9.30 PM, when he had reached at bus stand of his village, then Rajwinder Singh @ Bagga and Sukhjinder Singh @ Baba armed with cricket bats intercepted him, gave him beatings, causing injuries on his back and took out Rs.2 lacs from the pocket of pant, which the complainant was wearing at that time. The complainant got himself medically examined and reported the matter to the police. Thereafter, the FIR in question was registered. The petitioner was arrested in this case on 09.12.2020. On completion of investigation, the challan has been filed in the Court, the charge has been framed and the trial against him is going on.

Petitioner had filed a petition for regular bail before the Court of Sessions at Faridkot. That application was assigned to Addl. Sessions Judge, Faridkot, who vide order dated 19.04.2021, dismissed, the same. As such, he has approached this Court craving for grant of similar relief, by way of filing the present petition, which is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the record.

As per custody certificate placed on record by State counsel, the petitioner is behind bars for 06 months and 26 days. He is not shown to be involved in any other criminal case. The conclusion of trial is likely to take some time, especially, when functioning of the Courts had been adversely affected on account of outbreak of COVID-19. The guilt of the petitioner shall be determined during the trial. As such, I find it a fit case to grant benefit of regular bail to the petitioner. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Faridkot, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;

(iv) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard;

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.”

Once, it is conceded that the allegations against the petitioner are identical to that against the co-accused, namely, Sukhjinder Singh @ Baba, who has already been granted the benefit of regular bail by this Court, the petitioner has made out a case for the grant of regular bail on the ground of parity.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned on the same terms and conditions as imposed upon co-accused Sukhjinder Singh @ Baba.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner and in case of default of the above undertaking, the State/complainant will be at liberty to approach this Court for passing appropriate orders.

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 27, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No