

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

**CRM-M-31344-2021
Date of decision: 11.08.2021**

Gurjant Singh @ Janta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- None.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The lawyers are abstaining from work today.

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 21 dated 14.04.2021, registered under Section 379-B(2) IPC at Police Kacha Pacca, District Tarn Taran.

Custody certificate, filed by the Additional Superintendent, Central Jail, Amritsar, is taken on record.

A perusal of the record shows that co-accuse Inderjit Singh has already been granted concession of regular bail by this Court, vide order dated 20.07.2021 passed in CRM-M-27300-2021. The operative part of the order reads as under:

“Counsel for the petitioner has submitted that petitioner is the first offender and is in custody since 14.04.2021. Counsel for the petitioner has submitted that, as per the allegation in the FIR, registered at the instance of Joginder Kaur, her son is running a shop in the house. He had gone outside to purchase some

material and the complainant was sitting in the shop when two young men came on a motor cycle and by showing a sharp edged weapon, under threat took away one gold earring from her left ear. In the meantime, when she raised voice one Sarabjit Singh and Nachhattar Singh came on the spot and on seeing them the assailants ran away. It is further stated that Sarabjit Singh told the name of the assailants as Gurjant Singh and Inderjit Singh. Counsel for the petitioner has submitted that it will be a matter of trial that either the proper identification of the petitioner as assailant was there is proved or not.

Counsel for the petitioner has further submitted that investigation is complete and therefore, the petitioner is not required for further investigation.

Counsel for the State has filed the custody certificate which is taken on record and has not disputed that petitioner is not involved in any other case.

After hearing the counsel for the parties, without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he is in judicial custody since 14.04.2021 and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.”

A perusal of the aforesaid order shows that role of the petitioner is similar to that of co-accused Inderjit Singh and as per custody certificate, the petitioner is in judicial custody since 19.04.2021 and he is not involved in any other case.

Without commenting upon the merits of the case, considering

the fact that co-accused of the petitioner has already been released on regular bail as noticed above; the petitioner is in judicial custody since 19.04.2021; he is not involved in any other case and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

11.08.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No