

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

208

CRM-M-13550-2022

Date of Decision: 05th April, 2022

GURWINDER SINGH @ GURINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Lalit Chander Sharma, Advocate for
Mr. B.D. Sharma, Advocate for the petitioner.

Ms. A.K. Khurana, DAG, Punjab.

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VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.153, dated 10.10.2015 under Sections 379-B, 34 of IPC registered at Police Station Ajnala, District Amritsar.

Learned counsel appearing on behalf of the petitioner *inter alia* contends that the petitioner was earlier granted concession of regular bail vide order dated 23.09.2017, however, he was eventually arrested in another case FIR No.68 of 2017. Resultantly, he could not appear in the proceedings before the trial Court in the instant case/FIR and he was eventually declared proclaimed offender on 07.02.2018. He further submits that the aforesaid fact was duly brought to the notice of the Court when the surety informed the Court about the petitioner being in custody. He further points out that the petitioner has already undergone actual custody of 03 years, 04 months and 25 days as an under-trial prisoner. He also submits that as per the FIR, the petitioner is not named and there is no means to identify the petitioner or to connect him to the commission of the offence.

Ms. A.K. Khurana, DAG, Punjab who is present in the Court, does not dispute the said factual aspect. It is, however, pointed out that the petitioner was also involved in two other cases, and in one of the said cases, he is already on bail and in the other case, the petitioner has been acquitted. It is, however, not disputed by the learned State counsel that only two prosecution witnesses have been examined in the instant case so far, and even the custody period is not a subject matter of consideration.

I have heard the learned counsel for the parties.

It is well settled position in law that mere involvement of an accused in other cases is not a ground to decline him the concession of bail for indefinite period. The same cannot form a basis of imposing punishment on an accused by declining to grant him bail. Article 21 of the Constitution of India mandates speedy justice as an intrinsic part of Right to life. Involvement of an accused in other matters is only one amongst several factors that are to be kept in mind while considering an application for grant of bail.

The petitioner has undergone substantial custody as an under-trial and even though the FIR in question pertains to the year 2015, only two witnesses have been examined so far. He had already been granted the concession of bail in this case on 23.09.2017. The case of the petitioner only comes on a stronger footing when the custody period has further increased.

Taking into account the circumstances as aforesaid and the period of actual custody i.e. 03 years, 04 months and 25 days already undergone by the petitioner, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

05.04.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No