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

CRM-M-12747-2022

Date of decision : 14.11.2022

Tejveer Singh @ Tejvir Singh @ Teji

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. S.S. Dhaliwal, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the second petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in FIR No.156 dated 01.08.2021 registered under Section 379-B of Indian Penal Code, 1860 (Section 411 of IPC has been added later on) at Police Station City-2 Khanna, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 02.08.2021 and similarly placed co-accused Dalbir Singh @ Dalveer Singh has been granted the concession of regular bail by the Court of Sessions Judge, Ludhiana vide order dated 22.09.2022. It is further submitted that no further recovery is to be effected from the present petitioner and the witnesses, in the present case, are official witnesses thus, question of influencing them does not arise. It is contended that although, the said witnesses have been examined but recording of the

statement under Section 313 Cr.P.C. and subsequent proceedings take time and thus, on the ground of parity, prays for grant of regular bail to the petitioner.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that that the petitioner is involved in one more case but has not disputed the fact that the case of the petitioner is on a similar footing as that of co-accused Dalbir Singh @ Dalveer Singh.

Learned counsel for the petitioner in rebuttal to the said argument has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

This Court has heard the learned counsel for the parties and has perused the paper book.

In the present case, the petitioner is in custody since 02.08.2021 and the first bail application of the petitioner was dismissed as withdrawn at

that stage on 03.02.2022 and thereafter, the co-accused of the petitioner namely Dalbir Singh @ Dalveer Singh, who is similarly placed as the present petitioner, has been granted the concession of regular bail by the Court of Sessions Judge, Ludhiana vide order dated 22.09.2022 thus, the same being a subsequent change of circumstance entitles the petitioner to file the present petition.

Keeping in view the abovesaid facts and circumstances as well as law laid down in ***Maulana Mohd. Amir Rashadi's*** case (Supra) and also in view of principle of parity, the present petition is allowed and 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, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

14.11.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**