

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

**CRM-M No. 18473 of 2022
Date of Decision: 09.05.2022**

Palwinder Singh @ Parwinder Singh
@ Parminder Singh @ Panda

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. P.B.S. Goraya, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 07 of 27.01.2017, which was registered against him, at Police Station Badhni Kalan, District Moga, constituting therein offences under Sections 302, 34, 120-B of the IPC, and, under Section 25 & 27 of the Arms Act.

2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 15.03.2021.

3. In the FIR (supra) lodged with respect to the offences (supra), though initially the accused persons were not named therein, as, then the informant was unaware of their names and identities, but on the day subsequent to the lodging of FIR (supra), through a supplementary statement made by the informant concerned, he, excepting the present petitioner, named therein the other accused persons.

4. It appears that the above initial non-namings, and, subsequent naming of the accused, stood as a good ground for this Court to rather prima

facie construe the above factum probandum to be a concoction or prima facie a false implication of the accused concerned, and, to thereafter admit to regular bail one Rupinder Singh @ Ricky, one Atinderpal Singh @ Peter, and, one Hardeep Singh @ Kala, through respectively made decisions, as, appended Annexures P-6 to P-8, upon the respectively constituted petitions, before this Court. If so, since in even the supplementary statement, the present petitioner was not named by the informant concerned, to be a participant in the relevant penal occurrence, rather his participation was named by one Rupinder Singh @ Ricky, who however has been admitted to regular bail.

5. Therefore, since the role of the present petitioner, may be almost at par with the above named bail petitioners, who have been admitted to regular bail, thereupon, the present petitioner is also entitled for treatment similar to the one, as, became granted to the above accused.

6. Given the above, and, also since the bail petitioner is facing judicial incarceration since 15.03.2021, thereupon, the afore prolonged judicial incarceration is required to be curtailed, especially for facilitating his personal liberty being protected.

7. However, the learned State Counsel opposes the grant of bail to the bail applicant, on the ground that the bail applicant is a habitual offender.

8. The afore made submission is benumbed, upon this Court, making stringent conditions upon the bail applicant, inasmuch as, his making an undertaking before the learned trial Court, that he shall not re-indulge in any criminal activity, whereupon, on breach thereof, the benefit

of regular bail, as granted to him shall become *ipso facto* annulled, leaving liberty to the Arresting Officer, to forthwith arrest him, and, to thereafter, produce the bail applicant before the learned Magistrate concerned, for appropriate directions, *vis-a-vis*, an order of judicial custody being made, upon him.

9. Consequently, with condition (*supra*), the instant petition is allowed, and the bail applicant – petitioner is ordered to be released from judicial custody, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and/or his not influencing prosecution witnesses, and, also his appearing before the learned trial Court concerned, as and when he is required to be making his personal appearance unless validly exempted.

May 09, 2022
'*dk kamra*'

(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>