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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.20612 of 2022 (O&M)

Date of decision: 19.05.2022

Gurmeet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Manik Makkar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.75 dated 12.06.2021, registered under Sections 489-B, 489-C of the Indian Penal Code, 1860 (in short 'IPC') (Sections 489-A and 489-D IPC added later) at Police Station Sadar Rajpura, District Patiala.

Counsel for the petitioner has relied upon the order dated 21.04.2022 passed in CRM-M Nos.34987 and 38543 of 2021, vide which 02 of the co-accused of the petitioner namely Shri Kant and Paramjot Singh were granted the concession of bail. The operative part of the said order, read as under:-

“Learned counsel for the petitioner, appearing on behalf of petitioner Shri Kant, submits that as per allegations in the FIR, initially three persons, namely Gurpreet Singh, Gurmeet Singh and Paramjot Singh, were nominated on the basis of a secret information and recovery of fake currency notes of the denomination of Rs.

500, totaling Rs.95,000/-, was effected from them. Petitioner Shri Kant was later on nominated on the disclosure of one of the aforesaid co-accused and after his arrest, fake currency notes of Rs. 2500/- and one printer were recovered from him.

Learned counsel, appearing for petitioner Paramjot Singh, submits that the recovery was effected from a car, which was driven by coaccused Gurpreet Singh.

It is further submitted that both the petitioners are in judicial custody for the last more than 10 months; they are not involved in any other such or similar case and conclusion of trial is likely to take a long time as out of total 10 prosecution witnesses, only 01 witness has been examined so far.

Learned State counsel has filed the custody certificates and has not disputed the factual position and it is submitted that challan stands presented; charges have been framed and out of total 10 prosecution witnesses, 01 witness has been examined.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioners are in judicial custody for the last more than 10 months; they are 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 petitions are allowed. Petitioners Shri Kant and Paramjot Singh are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the petitioner has submitted that the registered owner of the car is Paramjot Singh, who has already been granted the concession of bail. It is also argued that one another co-accused of the petitioner namely Gurpreet Singh has also been granted the concession of regular bail vide order dated 12.05.2022 passed in CRM-M No.19045 of 2022. It is contended that the petitioner is only a passenger of the car and he is not involved in any such or similar case and is in custody for the last about 11 months and 06 days and out of 10 PWs,

only 02 PWs have been examined so far.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 11 months and 06 days; the co-accused of the petitioner are already released on bail; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, 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/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

19.05.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No