

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

CRM-M-35863 of 2022 (O&M)

Date of decision : 22.08.2022

Rahul Kumar

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Nitish Garg, Advocate for the petitioner.

Mr. Mohinder Singh Joshi, Addl. A.G., Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.58 dated 09.03.2021 registered under Section 379-B (later on Sections 411, 201 IPC were added) at Police Station Sadar Nabha, Patiala.

Custody certificate dated 22.08.2022 by way of an affidavit of Gurcharan Singh Dhaliwal, PPS, Additional Superintendent, Central Prison, Patiala has been filed. The same is taken on record.

Learned State counsel points out that apart from the present case the petitioner is facing three more cases of the similar nature.

Counsel for the petitioner has placed reliance on the orders passed by this Court as well as by the Coordinate Benches in ***CRM-M-34755 of 2022 decided on 16.08.2022, CRM-M-38674 of 2021 decided on 16.03.2022 and CRM-M-25943-2022 decided on 14.07.2022*** whereby the co-accused have been granted the concession of regular

bail.

There is merit in the submission made by Mr. Mohinder Singh Joshi, Addl. A.G., Punjab that the petitioner is not at parity with the said co-accused namely Ravi Kumar and Sanjeev Kumar as the recovery in the present case has been made from the petitioner and three other cases of similar nature are pending against the petitioner. However, it needs to be noticed that even in the case of Rajiv Kumar two more FIRs were pending. It is not disputed that the petitioner is in custody since 23.07.2021. Challan already has been presented and there is no apprehension that the petitioner will tamper with the evidence or will interfere in the process of justice.

Thus in the considered opinion of this Court no useful purpose shall be served by prolonging the incarceration of the petitioner.

Consequently, the present petition is allowed. Without commenting on the merits of the case, the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

Needless to say nothing recorded herein shall be construed as an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

22.08.2022

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No