

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM-M-44748-2022

Date of Decision : September 30, 2022

Gurmanjot Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Kumar Walia, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition under Section 439 Cr.P.C has been filed for the grant of regular bail to the petitioner in respect of FIR No.17 dated 08.04.2021 registered under Sections 379-B/34 of the IPC, 1860 at Police Station City Raikot, District Ludhiana Rural.

Learned counsel for the petitioner argues that the name of the petitioner was not mentioned in the FIR but the petitioner has been roped in the present case only on the basis of the disclosure statement of co-accused Guramrit Singh. Learned counsel for the petitioner submits that not only the petitioner but another co-accused namely Parwinder Singh was also nominated on the basis of the disclosure statement of the co-accused Guramrit Singh. Learned counsel for the petitioner further submits that one of the co-accused Parwinder Singh has already been granted the concession of regular bail on 08.03.2022 by this Court and as the petitioner is similarly

situated, he be also extended the same benefit especially when the petitioner is behind the bars for the last about one year and four months and the trial is likely to take some time before it concludes even upto now as the charges have not been framed. Learned counsel for the petitioner further submits that the petitioner is on regular bail in all the other cases being faced by him except the present one, hence, pendency of the other cases be not taken as a ground to decline the benefit of regular bail to the petitioner as there were other cases against co-accused Parwinder Singh also, who has already been extended the concession of regular bail.

Notice of motion.

Mr. Teevar Sharma, learned Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

On the instructions from ASI Baljeet Singh, learned counsel for the respondent-State submits that though the petitioner was nominated on the basis of the disclosure statement of co-accused Guramrit Singh but there are other cases pending against the petitioner which shows that the petitioner is a habitual offender, hence, the prayer of the petitioner for the grant of regular bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present petition, the petitioner was not named in the FIR but was nominated only on the basis of the disclosure statement of co-accused Guramrit Singh.

It is also conceded by the learned counsel for the respondent-State that co-accused Parminder Singh is similarly situated as the petitioner

and has already been extended the benefit of regular bail while passing order in CRM-M-8949 of 2022. Keeping in view the said fact, the petitioner becomes entitled for the grant of regular bail on the basis of parity.

Even otherwise, the petitioner is behind the bars for the last more than one year and four months. Also, the charges are yet to be framed and trial will take time before it concludes. Keeping in view the said status of the trial with the fact that learned counsel for the petitioner has undertaken before this Court that in case, the petitioner is granted the concession of regular bail, he will not influence the trial or the witnesses in any manner and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

In view of the above, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 30, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No