

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

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CRM-M-45701-2022 (O&M)

Date of Decision: 09.12.2022

PALWINDER SINGH @ HAPPY

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. JS Brar, Advocate
for the petitioner.

Mr. Pankaj Khullar, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.58 dated 08.06.2020, registered under Sections 399 and 402 IPC; Section 412 IPC (added later on) and Sections 25 and 27 of the Arms Act, at Police Station Kot Isse Khan, District Moga.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that there are total eight accused in the present case, including the petitioner; that the allegation against the petitioner and the co-accused is that they were planing to commit a dacoity and were sitting in a funeral ground; that no weapon was recovered from the petitioner and only Rs.40,000/- was recovered from him and that the petitioner has been in custody since 16.07.2020. He further submits that on the basis of petitioner's own statement, he was involved in FIR No.61 dated 04.06.2020, under Section 395 IPC and Section 25 of the Arms Act, registered at Police Station Sadar Faridkot,

District Faridkot. Still further, it is submitted that the co-accused has already been granted the concession of bail.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner along with the co-accused were in the process of committing dacoity and that the petitioner is a habitual offender facing many cases. Thus, he does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 16.07.2020. Recovery has already been effected from the petitioner. Co-accused has already been enlarged on bail. As far as other cases registered and/or pending against the petitioner is concerned, he is on bail. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

09.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No