

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

237

CRM-M-52859 of 2022

Date of Decision:22.11.2022

Ashok Singh @ Shoki

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Arshdeep Singh Brar, Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.8 dated 04.02.2022, under Sections 399, 402 IPC and also Section 25 of the Arms Act, 1959 (Sections 379 and 411 IPC added later), registered at Police Station Fatehgarh Panjtoor, District Moga.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 04.02.2022 and the police has already completed the investigation of the matter and thereafter the report under Section 173 of the Code of Criminal Procedure has been submitted to the competent Court. He submitted that it is a case where no specific role has been attributed to the petitioner even as per the prosecution itself. He further submitted that the FIR in the present case was

registered on the basis of an information that the petitioner alongwith other co-accused were hatching a conspiracy for the purpose of committing a robbery and on the basis of the aforesaid information, a raid was conducted by the police at the place which was disclosed by the informer. He submitted that it is a case where no robbery has been committed and it was only on the basis of secret information that the petitioner and other co-accused were apprehended. He further submitted that the similarly situated other co-accused who are at parity with the petitioner namely Kashmir Singh @ Kala, Sukhmander Singh and Subash Singh @ Suba have been extended the benefit of regular bail by this Court vide orders dated 06.09.2022, 27.09.2022 and 09.11.2022 respectively. He has further submitted that the petitioner is not a habitual offender and he is not involved in any other case and therefore the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab has submitted custody certificate and as per the custody certificate, the petitioner is in custody for the last 9 months and 7 days and he is not involved in any other case. He submitted that the petitioner is at parity with the other co-accused who have been extended the benefit of regular bail as aforesaid.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration from 04.02.2022 and the investigation of the case has already been completed. As per the learned counsel for the parties, the petitioner is at parity with the other three co-accused who have been granted the benefit of regular bail by this Court. The petitioner is not involved in any other case. Furthermore, it is not the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or influence any witness or tamper with any

evidence.

In view of the aforesaid position, this Court is of the considered view that the petitioner deserves the concession of regular bail. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expresion of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

November 22, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No