

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-9496-2023

Date of Decision: 28.02.2023

Harbans Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Monty Goyal, Advocate for the petitioner

Mr. Digvijay Nagpal, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner, through instant petition under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking regular bail in FIR No.393 dated 17.09.2022 under Sections 295, 354-B, 324, 323, 506, 148 & 149 of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station City Faridkot, District Faridkot.

2. Learned counsel for the petitioner, *inter alia* contends that this Court vide order dated 13.01.2023 in **CRM-M-805-2023; Gurcharan Singh @ Channa Bhau Versus State of Punjab** and order dated 07.02.2023 passed in **CRM-M-3653-2023; Joginder Singh Versus State of Punjab** has granted regular bail to co-accused Gurcharan Singh and Joginder Singh. The role attributed to the petitioner is co-extensive to role of co-accused. The petitioner is a 72 years old man and he is in custody since 18.09.2022, thus, he has remained in custody for more than five months. The custody of petitioner is one month more than co-accused.

3. Custody certificate dated 27.02.2023 filed by respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

4. Learned State counsel does not dispute the factum of bail to co-accused. He further does not dispute the fact that role of the petitioner is more or less at par with co-accused.

5. In view of order dated 13.01.2023 and order dated 07.02.2023 passed by this Court in the case of co-accused, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaq/Duty Magistrate concerned.

6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

28.02.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*