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

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CRM-M-10326-2023 (O&M)

Date of decision : 25.07.2023

Gurpreet Singh @ Gopi

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.102 dated 29.04.2022, registered for offences under Section 379-B of IPC (Sections 394, 411 and 201 of IPC added later on) at Police Station Shahkot, District Jalandhar.

2. Counsel for the petitioner relies upon order dated 11.01.2023 passed in CRM-M-46099-2022 (P-2), whereby co-accused Baljit Singh @ Babbu has been granted concession of regular bail.

3. Relying thereupon, counsel for the petitioner submits that from the perusal of allegation levelled in the FIR, it is clear that role assigned to Baljit Singh @ Babbu is not different to the one assigned to the present petitioner and thus prays for parity. Petitioner is behind bars since 07.05.2022 and has suffered incarceration for more than 01 year, 02 months and 18 days. Only 01 out of 13 cited witnesses has been

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examined till date. The examined witness is claimant thus, there is no apprehension that the petitioner can hamper with the evidence.

4. Per contra, counsel for the State submits that the petitioner is habitual offender and is facing 03 more FIRs, one under NDPS Act, one under Excise Act and one under Section 224 of IPC.

5. Faced with the situation, counsel for the petitioner submits that the petitioner already stands admitted to bail in all the three matters and further relies upon law down by Apex Court in *Prabhakar Tewari vs. State of U.P. & Anr. 2020(11) SCC 648*.

6. Without commenting on the merits of the case and keeping in view the incarceration already suffered by the petitioner, present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

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

(PANKAJ JAIN)
JUDGE

25.07.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No