

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 20207-2022 (O&M)
Date of Decision:03.03.2023

Jasbir Singh

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Sandeep Arora, Advocate for
Mr. Tanvir Singh Attariwala, Advocate
for the petitioner.

Mr. Lovinder Sofat, DAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 41 dated 12.04.2022, under Section 420 IPC and Sections 61 and 78 (2) of the Punjab Excise Act, 1914 registered at Police Station Division No. 1, District Jalandhar.

In compliance of order dated 10.02.2023 passed by this Court, learned State counsel has filed fresh affidavit by giving all the details in Para 4 of the affidavit along with the custody certificate and submitted that cost has also been deposited.

Learned counsel for the petitioner contends that the petitioner is in custody since 12.04.2022. He submits that the petitioner has been falsely implicated in the present case and he claims parity on the ground that co-accused Gurdeep Singh and Pawan Kumar has already been granted bail. He further submits that the charges have been framed and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that petitioner is a habitual offender and the offence alleged against the petitioner is serious in nature and he is involved in other cases as well, however, he does not dispute the fact that charges are framed and the co-accused have been granted bail.

Confronted with the same, learned counsel for the petitioner submits that in two cases the petitioner has been acquitted from the charges levelled against him and in other cases he is facing trial.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 12.04.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the co-accused have been granted bail and the charges have been framed and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning any expression of opinion on the merits of the case and on the basis of parity of petitioner with co-accused, it is ordered that the petitioner be released on regular bail subject to his

furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

03.03.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No