

CRM No. M-23001 of 2023

2023:PHHC:089152

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(220)

CRM No. M-23001 of 2023
Date of Decision : 17.07.2023

Sajan Singh @ Sandeep

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Rifi Bala Birla, Advocate for the petitioner.

Mr. Anmol Kumar Sandhu, Assistant Advocate General,
Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 12 dated 17.01.2023, registered under Sections 379-B, 34 IPC at Police Station City Jalalabad, District Fazilka.

Learned counsel for the petitioner argues that the petitioner is behind bars for the last more than six months and as the investigation is already over and the trial is likely to take some time to its conclude, the petitioner be extended the concession of regular bail, especially in view of the fact that the co-accused, Raj Singh, against whom the similar allegations have been alleged, has already been granted the concession of regular bail by the trial court.

Notice of motion.

Mr. Anmol Kumar Sandhu, learned Assistant Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that though, it is a matter of fact that co-accused, Raj Singh has been granted regular bail by the trial court but the petitioner is also involved in the other cases and in one of the cases being FIR No. 3 dated 03.01.2023, registered under Section 411 IPC, the petitioner has already been convicted.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the co-accused, against whom the same allegations have been alleged, has already been granted the concession of regular bail, the petitioner on the ground of parity, is also entitled for the same benefit. The distinguishable fact, which has been argued that the petitioner is convicted in another case under Section 411 IPC, cannot be accepted so as to deny the concession of regular bail.

Once, in the present case, the trial is likely to take some time before it concludes keeping in view the status of the same as none of the cited witness has been examined so far, keeping the petitioner behind the bars during the entire trial will serve no useful purpose, especially, when learned counsel for the petitioner has undertaken before this Court that

the petitioner will not influence the trial or the witnesses in any manner and will maintain good conduct, if he is granted bail.

It is made clear that in case, any fact comes to the notice of the State with regard to the violation of the said undertaking, the State will be within its jurisdiction to file appropriate application along with the cogent facts for re-consideration of the present order.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 17, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No