

CRM-M-24955-2023

207

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-24955-2023
Date of Decision: 15.09.2023

Gurjant Singh @ Janta Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. Mr. Savreet Singh Brar, Advocate has caused appearance and filed his Power of Attorney on behalf of the petitioner in Court today, which is taken on record.
2. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.47 dated 20.04.2020, under Sections 307, 452, 323, 427, 506, 148 & 149 IPC (Challan was presented under Sections 307, 452, 427, 323, 506, 34 IPC and supplementary challan was presented under Sections 307, 452, 427, 323, 506, 34 & 201 IPC), registered at Police Station Kabarwala, District Sri Muktsar Sahib and the charges were framed under Sections 307, 452, 323, 427, 506, 34 IPC.
3. Learned counsel for the petitioner submitted that the petitioner is in custody for about 1 year and investigation qua the petitioner has already been completed and thereafter, challan qua him has also been presented

before the competent Court. He further submitted that the entire story in the FIR is a concocted story in view of the fact that the specific role has been attributable to various co-accused including the petitioner but three of the other co-accused qua their specific role of giving injuries were attributed but during the course of investigation, they have been exonerated. He also submitted that in fact the petitioner was not involved in the present case and even otherwise also, now the challan has already been presented and the petitioner although involved in one more case under the NDPS Act but the trial of the case may take long time and no recovery is to be effected from him, therefore, he may be considered for the grant of regular bail.

4. On the other hand, Mr. Sarabjit Singh, learned DAG, Punjab has stated that it is correct that the petitioner is in custody for about one year and qua him challan has been presented. He further submitted that it is also correct that three of the co-accused, who are mentioned in the FIR and qua them a specific role has been attributed in the FIR, have been exonerated by the police. He has however opposed the grant of regular bail to the petitioner on the ground that he is involved in one more case under the NDPS Act.

5. I have heard the learned counsels for the parties.

6. It is a case where the petitioner is in custody for about one year and challan *qua* the petitioner has already been presented. As per the learned counsels for the parties, no recovery is to be effected from the petitioner. The trial of the case may take long time. The mere pendency of the other case against the petitioner cannot become a ground for denial of regular bail to him. Furthermore, it is neither 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 or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

15.09.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |