

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107+219 (2)

CRM-35398-2023 in/&

CRM-M-30819-2023

Date of Decision: 05.09.2023

Parkash

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Varun Sharma, Advocate, for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

VIKAS SURI, J. (Oral)

CRM-35398-2023

This is an application filed under Section 482 Cr.P.C. for making modification in the prayer clause and head note of the petition by adding Section 411 of IPC.

Notice of the application.

Mr. Subhash Godara, Addl. A.G., Punjab, accepts notice on behalf of the respondent-State and raises no objection.

For the reasons given in the application, same is allowed.

Registry to carry out the necessary correction.

CRM stands disposed of.

CRM-M-30819-2023

1. Prayer in the present petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.196 dated 29.12.2022,

under Sections 457, 380, 411 IPC, registered at Police Station Division 3, Police Commissionerate, Ludhiana.

2. On 18.12.2022, a sum of Rs.57,41,000/- was stolen from the vehicle of the complainant by breaking the window glass of rear door from the co-driver side. The FIR was registered against unknown persons. Three persons were arrested along with the petitioner on 10.01.2023. Two bags of red and blue colour containing Rs.20 lakhs each were recovered from co-accused A-Murgan; a sum of Rs.2,50,000/- was recovered from co-accused Suresh son of Maghsami; and a sum of Rs.2,00,000/- each was alleged to be recovered from co-accused Suresh and the present petitioner.

3. Learned counsel for the petitioner argues that the petitioner has been falsely implicated in this case. It is submitted that the petitioner is in custody since 10.01.2023 and no further recovery is to be effected from him. It is further submitted that final report under Section 173 Cr.P.C. has already been presented before the trial Court and charges are yet to be framed. Learned counsel for the petitioner submits that the trial will take sufficiently long time as there are total 14 prosecution witnesses cited and therefore, no useful purpose will be served by keeping the petitioner behind bars for an indefinite period. It is also submitted that co-accused Suresh has been granted the benefit of regular bail by this Court vide order dated 20.07.2023 passed in CRM-M-30815-2023, titled *Suresh Vs. State of Punjab*. He, thus, prays for grant of bail to the petitioner on the principle of parity.

4. On the other hand, learned State counsel has opposed the bail application by submitting that the petitioner is a habitual offender. Referring to the custody certificate of petitioner dated 04.09.2023 filed in Court today, he has submitted that the petitioner is involved in another case of similar

nature. However, he is not in a position to refute the fact that the petitioner has been granted the concession of bail in the said case as is reflected in the custody certificate.

5. Heard learned counsel for the parties.

6. Keeping in view the fact that the petitioner has already undergone the actual custody period of 07 months and 20 days; *challan* stands presented on 01.03.2023 yet charges have not been framed and thus, trial will eventually take some time to commence; petitioner is on bail in another case as is reflected in the custody certificate; and his co-accused Suresh has been granted the benefit of regular bail by this Court; no useful purpose would be served by keeping the present petitioner in custody for an indefinite period pending trial.

5. Accordingly, the instant petition is allowed and the petitioner is ordered to be released on regular bail on execution of adequate personal bond and surety to the satisfaction of concerned trial Court/Duty Magistrate.

6. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

September 05, 2023

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**(VIKAS SURI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No