

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

242

CRM-M-31913 of 2023

Date of Decision:12.07.2023

Ram Lal and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Navkiran Singh, Advocate,
for the petitioners.

Mr. Rajiv Verma, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.212 dated 16.12.2019, under Sections 302, 148, 149, 323 IPC, registered at Police Station Mehatpur, District Jalandhar Rural.

2. It is submitted by learned counsel for the petitioners that the petitioners are in custody for about ten months and fifteen days. He submitted that it is a case where even as per the prosecution story and the FIR, there is no specific role attributable to both the petitioners and they were only shown to be present on the spot. He submitted that three prosecution witnesses including the complainant and eye witness have been examined and all the three prosecution witnesses have not supported the prosecution version. He submitted that the complainant has

resiled from his earlier version. He further submitted that the other similarly situated co-accused namely, Kuldeep Singh, who is exactly at parity with the present petitioners, has been granted regular bail by a co-ordinate Bench of this Court on 22.05.2023 vide CRM-M-15661 of 2023 (Annexure P-8). He submitted that earlier when the petitioner was admitted on bail, he had jumped the bail and was declared as a proclaimed offender but thereafter he was arrested. He submitted that the mere fact that for some time he remained proclaimed offender and thereafter arrested cannot disentitle both the petitioners for grant of regular bail in view of the facts and circumstances of the present case especially in view of the fact that earlier the petitioners were declared innocent by the police.

3. On the other hand, Mr. Rajiv Verma, learned DAG, Punjab has submitted that so far as the custody period of both the petitioners is concerned, the same is correct and it is also correct that the other co-accused namely Kuldeep Singh who has already been extended the benefit of bail by a co-ordinate Bench of this Court vide Annexure P-8 is at parity with both the petitioners. He has however opposed the grant of bail to both the petitioners on the ground that the petitioners were declared as proclaimed offenders and remained as such for about one year.

4. I have heard learned counsel for the parties.

5. The petitioners have already faced incarceration for about ten months and fifteen days. As per the allegations against the petitioners, they were present on the spot but no specific role has been attributable to the petitioners. The other co-accused, namely, Kuldeep Singh who is stated to be at parity with both the petitioners, has been extended the benefit of regular bail by a co-ordinate Bench of this Court vide Annexure P-8. So far as the objection raised by learned State

counsel with regard to the declaring the petitioners as proclaimed offenders is concerned, the same cannot become a ground for denial of bail to both the petitioners in view of the totality of facts and circumstances of the present case, whereby no specific role has been attributable to both the petitioners and particularly in view of the fact that the other co-accused who is exactly at parity with both the petitioners, has been extended the benefit of regular bail by a co-ordinate Bench of this Court.

6. In view of the aforesaid position, the present petition is allowed. Both the petitioners shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. 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 the present petition.

(JASGURPREET SINGH PURI)
JUDGE

July 12, 2023
dinesh

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No