

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-36697-2023

Date of Decision: 02.09.2023

Gurpreet Singh @ Gora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Ms. Mehak Bedi, Advocate, and
Mr. Vaishali Thakur, Advocate, for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

VIKAS SURI, J. (Oral)

1. This is a petition filed under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner in case FIR No.436, dated 13.09.2022, under Sections 379-B, 379-B(2) and 201 IPC, registered at Police Station Islamabad, District Amritsar.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. She contends that the petitioner was not named in the FIR as the same was registered against three unknown persons. The petitioner was arrested in this case on 10.10.2022 and since then, he is in custody. It is also submitted that co-accused Amanjeet Singh @ Aman and Sukhmeet Singh have been granted the benefit of regular bail by the learned Additional Sessions Judge, Amritsar. No further recovery is to be effected from the petitioner as *challan* stands presented, charges

framed and out of total 14 prosecution witnesses cited, only one witness has been examined till date and therefore, trial is not likely to conclude in near future, thus, no useful purpose would be served by keeping the petitioner behind bars.

3. On the other hand, learned State counsel has filed the custody certificate of the petitioner dated 01.09.2023 and opposed the grant of regular bail to the petitioner. It is submitted that the petitioner is a habitual offender as there are three more cases registered against the petitioner. However, he has not disputed the fact that out of total 14 prosecution witnesses, only one has been examined till date.

4. Learned counsel for the petitioner has relied upon the judgment of Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced as under:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

5. I have heard learned counsel for the parties.

6. Keeping in view the law laid down by the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi's*** case (supra) and the facts that the petitioner is in custody since 10.10.2022; matter stands investigated, challan

presented, charges framed and only one prosecution witness examined till date and two co-accused have already been granted the benefit of regular bail, his further custody would not be justified.

7. Accordingly, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.
8. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

September 02, 2023
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(VIKAS SURI)
JUDGE

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