

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37384-2023 (O&M)
DECIDED ON: 08.08.2023

KULDEEP SINGH @ KOHLI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Shubham Pathania, Advocate
for the petitioner.

Mr. P.S. Bajwa, Addl. AG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRM-31706-2023

Application is allowed as prayed for.

CRM-M-37384-2023

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.164 dated 02.10.2022 (Annexure P-1) under Sections 222, 224, 225-A, 120-B of IPC, 1860 (Sections 212 & 216 of IPC, 1860 and Sections 25, 54 and 59 of the Arms Act, 1959 added later on), registered at Police Station City-I, Mansa, District Mansa.
2. Learned counsel for the petitioner submits that the only allegation qua the petitioner is that of facilitation of co-accused namely Jatinder Kaur by providing her the assistance of accompanying her to Tinkoni, Mansa from Ludhiana, apart from that there is no other incriminating allegation or material against the petitioner to invoke offences, as mentioned in the FIR, in which the petitioner has been nominated on the basis of disclosure statement of co-accused namely Jatinder Kaur.

dated 26.07.2023 & 25.07.2023 (Annexures P-5 & P-6 respectively) passed in CRM-M-34579-2023 and CRM-M-34467-2023 respectively, wherein co-accused person have already been granted the concession of regular bail by this Court.

4. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, petitioner is behind the bars for the last 9 months and 21 days, who is involved in three other cases out of which in two cases, he is on bail and in one case, he has been acquitted/discharged from the trial Court. He submits that the petitioner has facilitated co-accused Jatinder Kaur in running away, therefore, does not deserve the concession of bail at this stage.

5. On a query put by this Court, learned State counsel candidly admits that till date, none of the witnesses has been examined, charges are yet to be framed and the petitioner is in custody since 19.10.2022.

6. Be that as it may, it is an admitted fact, except the SKODA car, which is owned by the petitioner, no other material is available to connect the petitioner in Arms Act and neither any other attribution of overt act has been asserted in the FIR as well as in the charge-sheet, which stands filed on 20.12.2022 and till date charges have not yet been framed and out of total 56 prosecution witnesses, none has been examined, which shows that trial is likely to take long time.

7. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be

the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

8. In light of the above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

9. The present petition is, hereby, allowed.

10. However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

08.08.2023

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>