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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39546-2023 (O&M)

Date of Decision: 23.11.2023

Harpreet Singh @ Happy

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Jagdish Singh Mahal, Advocate, for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 0008 dated 10.01.2022, under Section 379-B IPC and Section 25 of Arms Act (Sections 379B (2) and 201 IPC added later on), registered at Police Station Kamboj, District Amritsar Rural.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody from 25.02.2022 which is more than 1 year and 8 months. He submitted that the allegations against the petitioner were with regard to committing theft of an amount of Rs. 30,000/-, one I Phone and one 1+Nord phone alongwith four more co-accused by stopping a scooter. He submitted that the petitioner was falsely implicated in the present case only because he was earlier involved in three more cases of

similar nature out of which he has already been acquitted in one case. He further submitted that till date charges have not been framed by the learned trial Court and one of the other co-accused namely, Harpal Singh @ Labha has been extended the benefit of regular bail by this Court on 07.07.2023 in CRM-M-16329-2023 on the ground of custody and also on the ground that till date charges have not been framed. He further submitted that the petitioner is in custody from 25.02.2022 and, therefore, the petitioner may also be considered for the grant of regular bail.

3. On the other hand, Mr. Gurdarshan Singh Sidhu, AAG, Punjab has submitted that it is correct that the petitioner is in custody for more than 1 year and 8 months and till date charges have not been framed and the other co-accused namely, Harpal Singh @ Labha against whom similar allegations were levelled has been extended the benefit of regular bail by this Court on 07.07.2023. He submitted that two of the other co-accused are absconding and that was the reason as to why the learned trial Court has not framed the charges till date. He has opposed the grant of regular bail to the petitioner on the ground that there are three more cases of similar nature against the petitioner.

4. I have heard the learned counsel for the parties.

5. The petitioner is in custody for more than 1 year and 8 months and as per the learned counsel for the parties even till date charges have not been framed. The other similarly situated co-accused who is stated to be at parity with the petitioner namely, Harpal Singh @ Labha has already been extended the benefit of regular bail by this Court on 07.07.2023. The petitioner was involved in three more cases of similar nature but as per the learned counsel for the petitioner, he has since been acquitted in one case.

Even otherwise also considering the custody of the petitioner and the stage of the trial, the pendency of the remaining two cases cannot become a ground for denial of bail to the petitioner in the present case.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

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

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

23.11.2023

rakesh

Whether speaking : Yes/No

Whether reportable : Yes/No

(JASGURPREET SINGH PURI)
JUDGE