

211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41197-2023
Date of decision: 15.12.2023

BEANT SINGH @ BANTY

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rishu Garg, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a fourth petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.115 dated 27.03.2022, under Sections 307, 379-B, 323, 325, 341, 506, 148 and 149 of the IPC, registered at Police Station City Barnala, District Barnala, Punjab.

2. Learned counsel for the petitioner submitted that although the present is a fourth successive bail petition filed by the petitioner but now considering the custody of the petitioner, which is about 1 year, 8 months and 16 days, he may be considered for the grant of regular bail. He further submitted that after the completion of the investigation, challan was presented by the police and thereafter, even the supplementary challan was also presented

but till date even charges have not been framed and the petitioner has faced incarceration for about 1 year, 8 months and 16 days and therefore, on the basis of custody, the fourth successive bail petition would be maintainable. He also submitted that it is a case where the allegations against the petitioner and other co-accused were that a fight took place at a Truck Union and the role attributed to the petitioner was giving of blow on the head of the complainant by way of a sword. He further submitted that two other co-accused, namely, Amandeep Singh @ AK and Babbu Singh, to whom although the role attributed was not of giving injuries by way of sword but by way of lathi, have been extended the benefit of regular bail by this Court on 02.12.2022 vide Annexure P-10. He further submitted that even thereafter, when the petitioner filed a bail petition before this Court, the same was dismissed as withdrawn on 07.07.2023 vide Annexure P-8 but now considering the fact that the trial of the case has not even started because charges have not been framed till date and the total incarceration of the petitioner is about 1 year, 8 months and 16 days and now no recovery is to be effected from the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Gurdarshan Singh Sidhu, AAG, Punjab submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that till date charges have not been framed because the police had presented a supplementary challan. He further submitted that the aforesaid two co-accused have already been extended the benefit of regular bail by this Court as aforesaid. He has however opposed the grant of regular bail to the petitioner on the ground that the petitioner is involved in 3 more cases and

therefore, he is a habitual offender and may not be considered for grant of regular bail.

4. I have heard the learned counsel for the parties.
5. The present is a fourth successive bail petition filed by the petitioner. The latest bail petition was dismissed as withdrawn by this Court on 07.07.2023 vide Annexure P-8 and now more than 5 months have elapsed and the total custody of the petitioner comes out to be about 1 year, 8 months and 16 days. As per the learned counsel for the parties, even charges have not been framed till date and therefore, the trial has not commenced. The mere pendency of other cases against the petitioner cannot become a ground for denial of regular bail to the petitioner.
6. Therefore, considering the aforesaid totality and circumstances of the present case and also the aforesaid custody of the petitioner and the stage of the 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.

15.12.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No