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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41682-2023(O&M)
Date of Decision: 29.08.2023

Rajan Singh @ Bhundi

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.S. Gill, Advocate, for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.0014 dated 16.04.2023, under Sections 323, 324, 365, 379-B, 148, 149 IPC (Sections 307, 201, 341 and 34 IPC added later on), registered at Police Station Mattewal, District Amritsar Rural.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 18.05.2023 and investigation of the case has been completed and challan has been presented but charges have not been framed. He submitted that it is a case where the complainants, who are father and son, had alleged that they have been beaten up by the petitioner and the other co-accused. He submitted that the main accused in the present case is Jatinder Singh @ Bau who has since been extended the benefit of regular bail by this Court vide Annexure P-2 and one more co-accused namely Nirmal Singh @

Kalu has also been extended the benefit of regular bail by this Court in CRM-M-40805-2023 on 24.08.2023. He submitted that one more co-accused namely Maninder Kaur has been extended the benefit of interim anticipatory bail by this Court vide Annexure P-3. He further submitted that it is not only that the petitioner is at parity with the other co-accused but it is also a case where now after the lodging of the FIR, the complainants who are father and son, have left India and have gone abroad because they had come from abroad and therefore, there is no apprehension of influencing of any witnesses or the complainants. He submitted that in view of the aforesaid position and the parity with the other co-accused, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the investigation of the case has been completed and challan has been presented and it is also correct that the other co-accused including the main accused namely Jatinder Singh @ Bau has already been extended the benefit of bail by this Court. He has however submitted that the petitioner is involved in three more cases and is a habitual offender and therefore has opposed the grant of regular bail to the petitioner.

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

5. The petitioner is in custody from 18.05.2023. However, the other similarly situated co-accused namely, Jatinder Singh @ Bau and Nirmal Singh @ Kalu have been extended the benefit of regular bail by this Court and rather the petitioner appears to be on a better footing as that of the other co-accused, namely, Jatinder Singh @ Bau. The complainants, who are father and son, have already left the country after the incident and apart from the above, there

is no apprehension expressed by the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice. The mere fact that the petitioner is involved in three more cases cannot disentitle the petitioner for grant of regular bail to the petitioner in the present case.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail 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 meant for the purpose of deciding the present petition only.

29.08.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No