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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-41788-2023 (O&M)
Date of Decision: 31.08.2023

Gopal Singh Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Randhir Singh Thind, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

CRM-35256-2023

Allowed as prayed for, subject to all just exceptions.

CRM-M-41788-2023

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 case bearing FIR No.87 dated 05.06.2023, under Sections 379, 397, 398, 401, 411, 473 IPC, registered at Police Station Passiana, District Patiala.
2. It has been submitted by learned counsel for the petitioner that petitioner is in custody since 05.06.2023 which is about 2 months and 23 days and the investigation of the case has already been completed and thereafter, the challan has also been presented before the competent Court. He further submitted that as per the allegations, the petitioner along with other co-accused were planning to commit a robbery with some deadly weapons but no overt act has been committed by the petitioner or any other

co-accused in the present case and it was only on the basis of suspicion, the present FIR was registered and the petitioner was arrested. He also submitted that the petitioner has clean antecedents and he is not involved in any other case and even other wise also, the similar situated co-accused, namely, Jaswinder Singh alias Jass Bhangu has already been extended the benefit of regular bail by this Court in CRM-M-39531-2023 on 18.08.2023. He further submitted that the petitioner is exactly at parity with the aforesaid co-accused, namely, Jaswinder Singh alias Jass Bhangu and has prayed that the petitioner may also be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has stated that it is correct that the petitioner is in custody since 05.06.2023 and the investigation of the case has been completed and thereafter, the challan has also been presented before the competent Court. He further submitted that it is also correct that the petitioner has clean antecedents and he is not involved in any other case and the aforesaid co-accused, namely, Jaswinder Singh alias Jass Bhangu has been granted regular bail by this Court. He further submitted on instructions from ASI Rajinder Singh that on the basis of suspicion, the petitioner and the other co-accused were arrested but no overt act has been committed by anybody in the present case.

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

5. It is a case where petitioner is in custody since 05.06.2023 and he stated to be not involved in any other case. The other similarly situated co-accused, namely, Jaswinder Singh alias Jass Bhangu has already been extended the benefit of regular bail by this Court in CRM-M-39531-2023.

Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence.

6. Therefore, considering the background of the petitioner wherein he is stated to be not involved in any other case and also considering the fact that the similarly situated co-accused, namely, Jaswinder Singh alias Jass Bhangu has already been granted regular bail by this Court, this Court deems it fit and proper to grant regular bail to the petitioner.

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

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

31.08.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |