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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42140-2023
Date of decision: 01.09.2023

RINKU

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Anil Kumar Garg, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.261 dated 02.12.2021, under Sections 379, 420, 465, 467, 468, 471, 473 and 120-B of the IPC, registered at Police Station Samrala, Police District Khanna, District Ludhiana, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner had earlier filed bail petition before this Court which was dismissed on 10.10.2022 vide Annexure P-2. He further submitted that now there is change of circumstances and that is why the successive bail petition has been filed. He further submitted that later on two other co-accused, namely, Jassi Singh and Satinderjit @ Shampy have been extended the benefit of regular bail by a

Co-ordinate Bench of this Court vide Annexure P-3 and Annexure P-4, respectively, and therefore the petitioner may also be considered for grant of regular bail since he is at parity with co-accused, namely, Jassi Singh. He submitted that the petitioner is in custody from 02.12.2021, which is almost 1 year 8 months and 28 days and only two prosecution witnesses have been examined till date and the trial of the case may take a long time to conclude. He also submitted that even otherwise also the entire case is based upon suspicion which the police party had on the basis of a secret information and although the petitioner is involved in two more cases of similar nature but considering the long custody of the petitioner and also the fact that aforesaid co-accused have already been extended the benefit of regular bail by a Co-ordinate Bench of this Court as aforesaid, the petitioner may also be considered for grant of regular bail since the trial of the case may take a long time to conclude.

3. On the other hand, Mr. Harsimar Singh Sitta, DAG, Punjab submitted that it is correct that the petitioner is in custody for about 1 year 8 months and 28 days and till date only two prosecution witnesses have been examined. He further submitted that so far as the parity aspect is concerned, the petitioner is at parity with co-accused, namely, Jassi Singh, who has already been granted the benefit of regular bail vide Annexure P-3 but he is not at parity with other co-accused, namely, Satinderjit @ Shampy because he was nominated on the basis of disclosure statement of the co-accused. He has however opposed the grant of regular bail to the petitioner on the ground that he is involved in two more cases of similar nature.

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

5. The petitioner has already faced incarceration for about 1 year 8 months and 28 days and as per Annexure P-3 and Annexure P-4, the aforesaid co-accused have already been extended the benefit of regular bail by a Co-ordinate Bench of this Court. The learned State counsel has not disputed the parity aspect of the petitioner with co-accused, namely, Jassi Singh in this regard. The mere pendency of two more cases against the petitioner cannot become a ground for denial of regular bail especially in view of the long custody of the petitioner.

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.

01.09.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No