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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-41982-2023  
Date of decision: 31.08.2023

NEERAJ KUMAR @ NEERAJ

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Divya Sharma, Advocate  
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

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**JASGURPREET SINGH PURI, J. (Oral)**

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.219 dated 05.10.2017, under Sections 302, 392, 216, 120-B, 148, 149 of the IPC and Sections 25 and 27 of the Arms Act, registered at Police Station Sadar Amritsar, District Police Commissionerate Amritsar, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 21.05.2021, which is more than 2 years and 3 months and it is a case where the petitioner was not even named in the FIR and two other co-accused, namely, Sunny Dhawan @ Grela and Simranjit Singh @ Bablu were specifically named in the FIR and both the aforesaid two co-accused have already been extended the benefit of regular bail by this Court on the basis of long custody vide Annexure P-4 and Annexure P-5, respectively. She further

submitted that the petitioner was arrested later on and therefore now the custody of the petitioner comes out to be more than 2 years and 3 months. She further submitted that the petitioner is not involved in any other case of similar kind but he is involved in two more cases under the NDPS Act and one case under Section 420 of the IPC and till date not even a single prosecution witness has been examined. She further submitted that considering the aforesaid facts and circumstances of the present case and also considering the parity aspect, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab submitted that it is correct that the petitioner is in custody from 21.05.2021, which comes out to be more than 2 years and 3 months and the aforesaid two co-accused, namely, Sunny Dhawan @ Grela and Simranjit Singh @ Bablu have already been extended the benefit of regular bail by this Court as aforesaid. He further submitted that so far as the present petitioner is concerned, he cannot be treated at parity with the aforesaid two co-accused in view of the fact that the custody of the aforesaid two co-accused was more than 5 years, whereas the custody of the present petitioner is only more than 2 years and 3 months since he was arrested later on. He further submitted that so far as the stage of trial is concerned, it is correct that no prosecution witness has been examined till date.

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

5. The petitioner is stated to be in custody for more than 2 years and 3 months. The petitioner was not named in the FIR but the aforesaid two co-accused, namely, Sunny Dhawan @ Grela and Simranjit Singh @ Bablu were named in the FIR and have already been extended the benefit of regular

bail by this Court vide Annexure P-4 and Annexure P-5, respectively. Although from the point of view of custody, the petitioner is not at parity with the aforesaid two co-accused because the custody of the aforesaid two co-accused was more than 5 years, whereas that of the petitioner is only more than 2 years and 3 months but considering the stage of the trial, wherein none of the prosecution witness has been examined till date and now the petitioner has faced incarceration for more than 2 years and 3 months, the custody of the petitioner itself would be a sufficient ground to grant regular bail to the petitioner. So far as the pendency of other two cases under the NDPS Act and one case under Section 420 of the IPC against the petitioner are concerned, the same cannot become a ground for denial of regular bail to the petitioner.

6. Therefore, considering the aforesaid totality and circumstances 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.

**31.08.2023**  
Chetan Thakur

**(JASGURPREET SINGH PURI)**  
**JUDGE**

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