

222-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42430-2023
Date of decision: 04.09.2023

HONEY KUMAR

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Jaspreet Singh Brar, 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 the grant of regular bail to the petitioner in FIR No.32 dated 07.05.2023, under Section 306 of the IPC (Section 120-B of the IPC added later on), registered at Police Station Hajipur, District Hoshiarpur, Punjab.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 24.05.2023, which is more than 3 months. He further submitted that challan in the present case has already been presented and the trial of the case may take a long time to conclude. He further submitted that it is a case where as per the allegations, the deceased had committed suicide near a canal and thereafter information was provided by the complainant to the police

on the basis of which present FIR was registered against unknown persons. He further submitted that it was only during the course of investigation that the complainant suffered a supplementary statement on the basis of which the other co-accused were nominated and later on the petitioner was nominated on the basis of disclosure statement of one of the co-accused. He further submitted that other co-accused, namely, Charanjit Kaur, who is at parity with the present petitioner has already been extended the benefit of regular bail by this Court vide Annexure P-3 on 04.08.2023 and some of the other co-accused, namely, Mangat Masih, Gurwinder Singh @ Nikka and Narinder Kaur @ Soni @ Sonia have also been granted the concession of interim anticipatory bail by this Court vide Annexure P-2, Annexure P-4 and Annexure P-5, respectively. He further submitted that the petitioner has clean antecedents and he is not involved in any other case except in one FIR under Sections 420, 34 of the IPC and Section 13 of Human Smuggling Act, which has already been quashed by this Court on 30.01.2023 and therefore he 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 24.05.2023 and investigation of the case has already been completed and it is also correct that the aforesaid co-accused, namely, Charanjit Kaur, who is at parity with the present petitioner has already been extended the benefit of regular bail vide Annexure P-3.

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

5. The petitioner is in custody from 24.05.2023 and he has no criminal antecedents and he is not involved in any other case except in one FIR

under Sections 420, 34 of the IPC and Section 13 of Human Smuggling Act, which has already been quashed by this Court on 30.01.2023. The investigation of the case has already been completed and the petitioner was not named in the FIR initially and on the basis of disclosure statement of the co-accused his name was nominated later on. Similarly situated co-accused have already been extended the benefit of regular bail and interim anticipatory bail by this Court as aforesaid. Furthermore, it is not the case of 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.

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.

04.09.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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