

2023:PHHC:121774

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

206

CRM-M-44157-2023

Date of decision : 15.09.2023

Sarabjit Singh

..... Petitioner

versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Malkiat S. Hundal, Advocate  
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

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**PANKAJ JAIN, J. (Oral)**

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.45 dated 23.02.2022, registered for the offences punishable under Sections 379-B(2) and Sections 25/27/54/59 of Arms Act at Police Station Jandiala, District Amritsar Rural.

2. Reliance is being placed upon order dated 01.08.2023 passed in **CRM-M-35935-2023** whereby co-accused namely Gurpreet Singh @ Gopi has been granted concession of regular bail observing as under:-

“1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.45 dated 23.02.2022 registered under Sections 379-B IPC and Sections 25 & 27 of the Arms Act, 1959 at Police Station Jandiala, District Amritsar.

2 Custody certificate dated 31.07.2023 by way

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of affidavit of Anurag Kumar, Superintendent of Central Jail, Amritsar on behalf of State has been filed. The same is taken on record.

3 Counsel for the petitioner submits that the petitioner after having been arrested in some other case was implicated on the basis of disclosure statement. The petitioner has been in custody since 05.03.2022. Nothing has been recovered from the petitioner in the present case. Investigation already stands concluded. Challan stands presented and the charges have been framed on 02.09.2022 and yet no witness has been examined till date.

4 *Per contra*, learned State counsel submits that the petitioner is a habitual offender and is facing more than 10 cases, including the 2 cases in which he already stands convicted.

5 Faced with this situation counsel for the petitioner relies upon ***Prabhakar Tewari Vs. State of UP and Anr., 2020 (1) RCR (Criminal) 831*** to submit that the involvement of the petitioner in several more cases cannot be a ground to deny bail. Further reliance has been placed on ***Maulana Mohd. Amir Rashadi Vs. State of UP (SC), 2012(2) SCC 382.***

6 I have heard learned counsel for the parties and have gone through the records of the case.

7 Without commenting on the merits of the case, keeping in view that the petitioner is in custody since 05.03.2022 and despite the charges having been framed on 02.09.2022 prosecution has not been able to examine any of the witness, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty

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Magistrate, concerned.

8      Needless to say anything recorded herein shall not be construed as an expression of opinion on the merits of the case.”

3.            Counsel for the State is not in a position to dispute that the petitioner will be in fact similarly situated to Gurpreet Singh @ Gopi.
4.            Keeping in view the parity and the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
5.            Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)  
JUDGE

15.09.2023  
Dinesh

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|-----------------------------|-----|
| Whether speaking/reasoned : | Yes |
| Whether Reportable :        | No  |