

218
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45825-2023(O&M)

Date of Decision:19.09.2023

Jarman Singh @ Jammu

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. L.M. Gulati, Advocate, for the petitioner.

Mr. Ramdeep Partap Singh, Senior DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a fourth petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.25 dated 08.02.2020, under Sections 379-B(2) and 34 IPC, registered at Police Station Sultanwind, District Amritsar.

2. Learned counsel for the petitioner has submitted that although the present is a fourth successive bail petition and earlier he had withdrawn all the three bail petitions but as of now his total custody is 1 year, 7 months and 18 days. He submitted that the other co-accused namely, Gurjit Singh @ Janty has already been extended the benefit of regular bail by the learned Sessions Court vide Annexure P-3. He further submitted that till date no prosecution witness has been examined and as per the allegations the petitioner alongwith co-accused had collectively snatched one mobile phone and cash of Rs. 12,000/- from the complainant. He submitted that so far as the present petitioner is concerned, an amount of Rs. 2,000/- came to his share and now no recovery is

to be effected from the petitioner and considering the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Ramdeep Partap Singh, Senior DAG, Punjab has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that till date no prosecution witness has been examined. He has however opposed the grant of bail to the petitioner on the ground that the petitioner is involved in four more cases out of which three cases pertain to similar nature.

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

5. Although this is a fourth successive bail petition but considering the custody of the petitioner and the fact that till date no prosecution witness has been examined, the successive bail petition is certainly maintainable. As per the learned counsel for the parties, no prosecution witness has been examined till date and there were two accused in the present case who had allegedly collectively committed the theft. The other co-accused namely, Gurjit Singh @ Janty has already been extended the benefit of regular bail by the learned Sessions Court vide Annexure P-3. The mere fact that the petitioner is involved in four more cases cannot become a ground for denial of bail to the petitioner in view of the long custody of the petitioner and the stage of the trial.

6. In view of the aforesaid facts and circumstances, 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 subject to furnishing bail bonds/surety 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 merits of the case and is meant for the purpose of deciding the present petition only.

19.09.2023

(JASGURPREET SINGH PURI)
JUDGE

rakesh

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