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

**CRM-M-47807-2023
Date of decision : 16.10.2023**

GURWINDER SINGH @ GINDER

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Jaskirat S. Dhaliwal, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

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.22 dated 10th of April, 2023 registered for the offences punishable under Sections 379-B, 473, 201, 411 of the Indian Penal Code, 1860 at Police Station Sadar Abohar (wrongly mentioned in the impugned order as PS City Jalalabad), District Fazilka.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Counsel for the petitioner relies upon the order dated 12th of October, 2023 passed in CRM-M No.40839 of 2023 whereby co-accused namely Satpal Singh alias Harman stands admitted to bail observing as

under :

“2 As per the allegations levelled in the FIR, it has been alleged as under :-

“Statement of Narinder Singh son of Parmjit Singh son of Mela Singh resident of village - Kot Bhai district Shri Muktsar Sahib, approximately 30 years, Mobile Phone Number 90413- aged 13299. It is stated that I am resident of the above said address and I am engaged as Loan Officer in L & T Finance Company at Abohar, the office of our company is at upper floor of CANARA Bank near Shanker Market, Sethi Palace at Abohar. Today on 10.04.2023, approximately at around 11:30 AM, riding at my own motor cycle bearing Number PB-30U- 9376 YVS SPORTS, collecting the recovery of the amount of approximately Rupees 1,43,000/- of our company, crossing through the village Dhaba Kokrian, I was going towards the village Bahadur Khera and then on the way, three young boys riding on a motor cycle Marka Platina, out of which, two boys have covered their faces with the towel (Parna) and they were standing on the road by parking their own motor cycle at the side of the Link Road, Bahadur Khera Link Road. When crossing my motor cycle, I came in front of them and then all the above said three boys driving their motor cycle in very fast speed, they came equal to me and coming near the fields opposite the grain market of village Bahadur they were about to give the blow of the Danda (wooden stick) to me and then the Pithu Bag put up on my back which was containing my purse, some important paper, the machined used for the collection of money, amount of Rupees 1,43,300/- the collection of the company, they pounced upon me and snatched my pithu bag. I shouted much cries but being the road desert area, no one came to me for

my help. Upon which, I gave the information to Raju Yadav, area Manager of my company and reaching in village Bahadur Khera, conducted the enquiry and then I come to know that these persons, committing this incident with me are Gurwinder Singh son of Chanan Singh, Satnam Singh son of Kulwinder Singh, Satpal Singfh son of Lakhwinder Singh are the residents just of village Dabwali Dhab and if they appeared before me, than I can identify them. Appropriate legal action may be taken against them.”

3 Custody certificate has been filed. The same is taken on record.

4 Learned counsel for the petitioner submits that out of the alleged amount of Rs.97,750/-, Rs.70,150/- already stands recovered. The petitioner is behind bars since 10.04.2023. He further states that the investigation already stands concluded. Challan stands presented. The custody of the petitioner cannot be prolonged as a punitive measure.

5 *Per contra* learned State counsel, however, submits that the petitioner is a habitual offender facing 2 more FIRs involving similar allegations.

6 Faced with this situation learned counsel for the petitioner relies upon orders passed by the Courts below whereby the petitioner stands admitted to bail in those FIRs vide orders of even date i.e. 01.08.2023.

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

8 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, 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 Magistrate, concerned.

9. xxx”

4. Counsel for the petitioner submits that the petitioner would be entitled for parity as *qua* Satpal Singh @ Harman there were two more cases as in the case of the present petitioner. The petitioner is in custody since 11th of April, 2023.
5. State Counsel does not dispute the factual assertions made by counsel for the petitioner which are based on records of the case.
6. I have heard counsel for the parties and have gone through records of the case.
7. In view of above, without commenting on the merits of the case and granting parity to the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 16, 2023
Dpr

(Pankaj Jain)
Judge

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