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

**CRM-M-51892-2022
Date of Decision: 17.03.2023**

Satifan @ Satifan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Shreya Rana Advocate with
Mr. Vijay Rana, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.129 dated 28.07.2021, under Sections 307, 324, 323, 506, 383, 384, 379-B, 148 & 149 IPC, registered at Police Station City Nakodar, District Jalandhar.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 01.12.2021, which is more than 1 year and 3 months. She further submitted that the investigation of the case has already been completed and thereafter, the charges have also been framed by the learned trial Court, but till date, no prosecution witness has been examined. She also submitted that it is a case where even as per the prosecution, the main allegations were levelled against one of the co-accused, namely, Satnam Singh @ Satta and as per the FIR, he was accompanied by 7-8 more

persons, who had attacked the complainant. She further submitted that the petitioner has been nominated on the basis of the disclosure statement of the co-accused and even as per the FIR, there was a CCTV footage recording also, but nobody has been identified till date. She also submitted that even otherwise also the similarly situated co-accused, namely, Jatinder Singh, Sunny and Sandeep, who were also nominated on the basis of the disclosure statement of the co-accused, have already been extended the benefit of regular bail by this Court in CRM-M-569-2022 on 17.02.2022 vide Annexure P-3. She further submitted that although the aforesaid co-accused were having clean antecedents and were not involved in any other case, but so far as the petitioner is concerned, he is involved in one more case bearing FIR No.28, dated 05.05.2016, under Sections 323, 324, 451, 120-B, 427, 148 & 149 IPC, registered at Police Station Nurmahal and apart from the pendency of the aforesaid FIR, the petitioner is at parity with the aforesaid co-accused, who have been extended the benefit of regular bail by this Court. She also submitted that even as per the stand taken by the State in the aforesaid petition filed by the co-accused that the identification could not be done from the CCTV footage because allegedly the assailants were having muffled faces. She submitted that in view of the aforesaid facts and circumstances of the case and considering the custody of the petitioner and also the fact that the trial of the case may take long time, the petitioner may also be considered for the grant of regular bail.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab has stated that it is correct that the petitioner is in custody from more than 1 year and 3 months and after the completion of investigation, the challan has already been presented before the competent Court and charges have also

been framed but no prosecution witness has been examined till date. She has however opposed the grant of regular bail to the petitioner on the ground that the petitioner is involved in one more case and he is not at parity with the aforesaid three co-accused, who have extended the benefit of regular bail.

I have heard the learned counsel for the parties.

It is a case where the petitioner has already faced incarceration for a period of more than 1 year and 3 months and he is not named in the FIR but his name was nominated on the basis of the disclosure statement made by the co-accused. Three more co-accused, who were also nominated on the basis of the disclosure statement, have been extended the benefit of regular bail by this Court vide Annexure P-3. So far as the present petitioner is concerned, he is at parity with the aforesaid co-accused except the fact that the present petitioner is involved in one more case. However, considering the long custody of the petitioner, the pendency of another FIR cannot become a bar for considering the bail petition of the petitioner. Apart from the above, the police has already completed the investigation and now the trial is pending. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence.

Therefore, in view of the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

17.03.2023

(JASGURPREET SINGH PURI)

JUDGE

Bhumika

1. Whether speaking/reasoned:

Yes/No
2. Whether reportable:

Yes/No