

CRM-M-54907-2023

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2023:PHHC:142661

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

CRM-M-54907-2023
Date of decision : 08.11.2023

RAMRATAN SINGH @ NONI

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Jaswinder S. Arora, DAG, 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.192 dated 13.10.2022 registered for the offences punishable under Sections 379-B(2), 411, 120-B of IPC, 1860 and Sections 25/27 of Arms Act, 1959 at Police Station Ranjit Avenue, Amritsar.

2. Counsel for the petitioner submits that the investigation stands concluded and challan stands presented. The petitioner is in custody since 19th of October, 2022. Counsel further relies upon order dated 31st of August, 2023 passed in CRM-M-2946-2023 whereby Lakhwinder Singh @ Goldy stands admitted to bail, that dated 4th of September, 2023 passed in CRM-M-42566-2023 whereby Captain Singh @ Kali stands admitted to bail and that dated 29th of September, 2023 passed in CRM-M No.48693 of

2023 whereby Gurpreet Singh @ Gopi stands admitted to bail observing as under :

“1. xxx

2. Learned counsel contends that the petitioner is in custody for about 1 year. The allegations were common against the petitioner as also co-accused of having snatched the car at gunpoint. Co-accused Lakhwinder Singh @ Goldy has been granted regular bail by this Court vide order dated 31.08.2023, after being in custody for more than 10 months. Complainant stands examined and did not support the prosecution version, a certified copy of which was produced in the aforesaid case as has been recorded therein. The recovery effected of the car is also from all four accused including the petitioner. There are 18 more prosecution witnesses who remain to be examined. He is not involved in other case.

3. The custody certificate dated 28.09.2023 has been filed by learned State counsel. As per the same, the petitioner is behind bars for 11 months and 11 days.

4. Learned State counsel opposes the bail on the ground that the petitioner had actively participated in the commission of offence and a car that was stolen was recovered from him as well as his co-accused. He is however unable to controvert the submissions with regard to stage of the trial, complainant has not supported the prosecution version, co-accused has been granted bail as also the petitioner being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 11 months and 11 days; not involved in any other case; co-accused has been granted bail; complainant stands examined but 18 more prosecution witnesses are still to be examined: the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while

releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.
9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.”

3. Counsel for the State is not in position to dispute that the petitioner is materially and substantially similarly situated to the aforementioned co-accused who have been granted bail vide orders *ibid*.
4. I have heard counsel for the parties and have gone through records of the case.
5. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and granting parity, the present petition is allowed. Granting parity 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 subject to the same conditions.
6. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 08, 2023
Dpr

(Pankaj Jain)
Judge

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