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

CRM-M-56033-2023
Date of decision : 15.11.2023

JANI ALIAS AAKASH ALIAS AKASHDEEP SINGHPetitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Hasrat Brar, Advocate for the petitioner.

Mr. Jashandeep Singh, 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.15 dated 12.01.2022 registered for the offences punishable under Sections 364-A IPC and Section 25-54-59 of Arms Act added later on, at Police Station City Ferozepur, District Ferozepur.

2. Counsel for the petitioner relies upon order dated 14th of February, 2023 passed in CRM-M No.38528-2022 whereby co-accused Rohit @ Raj Singh has been granted regular bail. Further reliance is placed upon order dated 31st of July, 2023 passed in CRM-M-8827-2023 whereby co-accused Amarjeet stands admitted to 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.15 dated

12.01.2022 registered under Sections 364-A IPC (Section 25-54-59 of Arms Act added later on) at Police Station City Ferozepur, District Ferozepur.

2 Custody certificate dated 28.07.2023 by way of affidavit of Rajdeep Singh Brar, Additional Superintendent of Central Jail, Ferozepur on behalf of State has been filed. The same is taken on record.

3 Learned counsel for the petitioner submits that there is no allegation against the petitioner in the FIR and he was apprehended only for the reason he was found sitting at a place wherein the victim after having been kidnapped was kept. He further submits that the petitioner already has suffered incarceration for more than 1 year, 6 months & 12 days. Co-accused Rohit @ Raj Singh stands admitted to regular bail vide order dated 14.02.2023 passed in ***CRM-M No.38528 of 2022***. Petitioner has no criminal antecedents and is not involved in any other criminal case. Not only the investigation stands concluded rather the trial has also proceeded considerably and so much so the most material witnesses i.e. the complainant as well as the victim stand examined.

4 Learned State counsel is not in a position to dispute the aforementioned factual assertions based on record.

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

6 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner and the fact that there is no apprehension that the petitioner shall tamper with the evidence, 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.

7 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.”

3. Counsel for the petitioner further submits that the petitioner is behind bars for more than 1 year and 10 months.

4. State Counsel does not dispute the aforesaid factual assertions

made by counsel for the petitioner which are based on record.

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

6. 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. 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.

7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 15, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No