

CRM-M-58540 of 2022

2023:PHHC:074205

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

CRM-M-58540 of 2022
Date of decision: 22.05.2023

Balwinder Singh @ Balli

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Gagan Oberoi, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J.

CRM-22646 of 2023

1. This application has been filed by the applicant-petitioner under Section 482 Cr.P.C. for preponement of date of hearing of the main case from 08.08.2023 to some early date.

2. Notice.

3. Mr. Adhiraj Singh, AAG, Punjab, accepts notice on behalf of the respondent-State and has no objection to the prayer made in the application.

4. With the consent of the learned counsel for the parties, date of hearing of the main case is preponed from 08.08.2023 and the same is taken on board today itself.

5. Disposed of.

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1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.135 dated 20.08.2022 under Sections 395, 411 IPC, registered at Police Station Punjab Agriculture University, District Ludhiana.

2. Present FIR was registered on the basis of statement of Razi Ahmed stating that he is doing work of junk-dealer in lower portion of his house and has kept his residence on upper portion. Three persons were working with him. On 15.8.2022 at about 8.00 p.m., he was sitting near his computer. Three persons each on two motorcycles came and they parked one of the motorcycles outside. Four persons with sharp edged weapons came in his shop and attacked him, but he immediately got down and they also attacked upon his customers and they forcibly took out Rs.22,500/- lying in his cash box. The incident was captured in the CCTV. The complainant further alleged that he came to know later on about the persons who committed the crime and disclosed their names as Yogesh Kumar, Pawan Talli, petitioner-Balli @ Balwinder, Ricky Kumar, Rajat and Sawan.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further submits that petitioner is in custody since 20.08.2022. He further submits that co-accused of the petitioner, namely, Sawan and Yogesh Kumar have been granted regular bail by the Court of learned Additional Sessions Judge, Ludhiana, vide orders dated 17.09.2022 and 28.09.2022. He further submits that investigation in the present case is complete; *challan* has been presented and trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

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4. *Per contra*, learned State counsel, while placing on record the custody certificate, has opposed the prayer for grant of regular bail to the petitioner by submitting that petitioner is involved in one more case being FIR No.102 dated 07.07.2022 under Sections 379-B, 201 IPC, registered at Police Station PAU. However, he could not refute that investigation in the present case is complete; challan has been presented and trial may take a considerable time to conclude.

5. To controvert the contention of learned State counsel that petitioner is involved in one more case, learned counsel has relied upon the judgment of Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

6. I have heard learned counsel for the parties and perused the record.

7. Keeping in view the custody of the petitioner, which is 9 months and 3 days; investigation is complete; *challan* has been presented; and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on

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regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. The petition stands disposed of accordingly.

22.05.2023

R.S.

**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No