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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59335-2023 (O&M)

Date of Decision: 01.12.2023

Sukhmander Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Gagandeep Kaur, Advocate, for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a fourth petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 0009 dated 21.01.2022, under Sections 457, 380, 427 IPC (Sections 395, 398 IPC and Section 25, 54, 59 of Arms Act added later on), registered at Police Station Bariwala, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 22.01.2022 which is more than 1 year and 10 months. She submitted that in the present case the charges were framed on 05.07.2022 which is almost 1 year and 5 months ago but till date only one prosecution witness has been examined who is the complainant. She also submitted that the allegations in the present case were that the petitioner alongwith the co-accused has committed theft in a bank by opening the

shutter of the bank and the theft was only of five monitors, three batteries, one CPU, one electronic stove and one room heater and the name of the petitioner was nominated only on the basis of suspicion. She submitted that one of the other similarly situated co-accused who is exactly at parity with the petitioner namely, Sewa Singh has already been extended the benefit of regular bail by this Court vide Annexure P-5 on 15.11.2023 and the petitioner is exactly at parity with the aforesaid co-accused and, therefore, the petitioner may also be considered for the grant of regular bail.

3. On the other hand, Mr. Gurdarshan Singh Sidhu, learned AAG, Punjab has submitted that it is correct that the petitioner is in custody for 1 year and 10 months. The parity of the petitioner with the aforesaid co-accused who has been extended the benefit of bail by this Court has not been denied.

4. I have heard the learned counsel for the parties.

5. The petitioner is in custody for 1 year and 10 months and he is stated to be at parity with the aforesaid co-accused who has been extended the benefit of bail by this Court vide Annexure P-5. The trial of the case may take long time. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as

an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

01.12.2023

rakesh

Whether speaking : Yes/No

Whether reportable : Yes/No

(JASGURPREET SINGH PURI)

JUDGE