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

CRM-M-61843-2023

Date of Decision: 15.12.2023

Vipal Singh @ Vipar Singh @ Vipar Butter

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. G.S. Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. 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.009 dated 21.01.2022, under Sections 457, 380 & 427 IPC (Sections 395, 398 IPC and Sections 25/54/59 of the Arms Act added later on vide GD No.25 dated 22.01.2022), registered at Police Station Bariwala, District Sri Muktsar Sahib.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 22.01.2022 which is more than 1 year and 10 months and in the present case, the charges were framed by the learned trial Court on 05.07.2022 which is more than 1 year and 5 months ago, but till date only one prosecution witness has been examined, who is the complainant. She further submitted that the allegations against the petitioner and the other co-accused are that they have committed theft in a bank and the shutter of the bank was also cut and there was a theft of 5 monitors, 3

batteries, 1 CPU, 1 electronic stove and 1 room heater which were found missing from the bank. She also submitted that the name of the petitioner was nominated only on the basis of suspicion and the reason was that earlier he was involved in two cases and one pistol was also planted upon the petitioner in the present case. She submitted that be that as it may, the other co-accused, namely, Sewa Singh and Sukhmander Singh have already been extended the benefit of regular bail by this Court in CRM-M-56062-2023 and CRM-M-59335-2023 on 15.11.2023 and 01.12.2023, respectively. She further submitted that the petitioner is exactly at parity with the aforesaid co-accused and not only at parity but the petitioner may be considered for grant of regular bail also on the ground of long custody i.e. 1 year and 10 months and also on the fact that the complainant has already been examined and the trial of the case may take long time.

3. On the other hand, Mr. G.S. Sidhu, learned AAG, Punjab submitted that it is correct that the petitioner is in custody for more than 1 year and 10 months and it is also correct that the complainant has been examined. The claim of the petitioner for seeking parity with the aforesaid two co-accused has not been denied by the learned State counsel except that so far as the present petitioner is concerned, there was a recovery of one pistol from him. He has however submitted that the petitioner is involved in two more cases and therefore, he does not deserve the concession of regular bail.

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

5. The petitioner has already faced incarceration for more than 1 year and 10 months and the complainant has already been examined. As per

the learned counsels for the parties, the other similarly situated co-accused have already been granted regular bail by this Court. The mere pendency of two cases against the petitioner cannot become a ground for denial of bail. So far as the objection raised by the learned State counsel that a pistol was recovered from the petitioner is concerned, the same is also a subject matter of trial and that also cannot become a ground for denial of bail.

6. Therefore, considering the aforesaid facts and circumstances of the case and also considering the long custody of the petitioner, 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.

7. 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.

15.12.2023.

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |