

2024:PHHC:005954

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

305

**CRM-M-466-2024
Date of Decision: 16.01.2024**

Simranjit Singh @ Deep

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present: Mr. Lakshay Bector, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.167 dated 30.09.2022 (Annexure P-1) registered under Sections 379 and 201 IPC at Police Station City Khanna-2, District Ludhiana.
2. The FIR in the present case was got registered by Gurpreet Singh, who alleged that at about 05:00 PM on 30.09.2022, two unknown persons had snatched a gold chain weighing 2.5 tolas from the sister of the complainant.
3. Learned counsel for the petitioner submits that the FIR was initially registered against the unknown persons and there is no averment in the FIR who even remotely suggests the involvement of the petitioner in the alleged crime. He further contends that the petitioner was arrested in some other case and the present case was planted on him. He further contends that the petitioner was arrested in the present case on 30.09.2022 and he is in custody for the last more than 01 year and 03 months. He further contends that only 04

witnesses out of total 08 witnesses have been examined so far and the custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, Mr. Mohit Chaudhary, AAG, Punjab has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that that one more criminal case of similar nature has been registered against the present petitioner.

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

6. The petitioner is continuing in custody since more than 01 year and 03 months and only 04 witnesses out of total 08 witnesses have been examined and the conclusion of the trial may take quite a long time. Even though one more case of similar nature has been registered against the present petitioner. However, the same cannot serve as a ground for rejection of the bail as the petitioner has been able to make out a case for grant of bail in the facts and circumstances of the present case. The petitioner can never be confined in jail for an indefinite period as the Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another 2012(1) R.C.R. (Criminal) 586***.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

(N. S. SHEKHAWAT)
JUDGE

16.01.2024

M.Sikka

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