

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-3279-2024 (O&M)

Date of Decision: 29.01.2024

BALJEET SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikasdeep Singh, Advocate for
Mr. Raghav Soni, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This is the first petition filed under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in the case bearing FIR No. 77 dated 27.05.2023 registered under Sections 399, 402, 473 of Indian Penal Code at Police Station Chattiwind, District Amritsar.

2. Brief facts of the case are that on 27.05.2023, an informer came and informed Sub Inspector Tarlok Singh that Sahil son of Ramesh Kumar, Gurveer Singh son of Palwinder Singh, Baljit Singh (present petitioner) son of Balkar Singh, Harjit Singh son of Kuldeep Singh and two other unknown persons armed with sharp and deadly weapons were preparing to commit robbery at some place and if raid was conducted, they will be caught with deadly weapons and it was also alleged by the informer that they had also committed robbery at Amritsar on 26.05.2023 and were also having the stolen motorcycles with them.

3. Learned counsel for the petitioner *inter alia* contends that the

similarly situated co-accused Harjit Singh and Gurbir Singh have been granted regular bail by this Court vide orders dated 16.11.2023 (Annexure P-2) and 22.12.2023 (Annexure P-3) passed in CRM-56714-2023 and CRM-61545-2023 respectively. The investigating agency has concluded the investigation and submitted the final report under Section 173 of Cr.P.C. The petitioner is behind the bars since 27.05.2023 and the trial of the case is progressing at snail's pace.

4. Per contra, learned State counsel opposes the prayer of grant of regular bail to the petitioner on the ground of gravity of offences and that out of the snatched amount of Rs. 5,18,604/-, Rs. 30,000/- has been recovered from the possession of the petitioner in another case and as such the complicity of the petitioner is clearly established.

5. Having heard the learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars for the last 08 months. The investigation of the case is complete and the final report under Section 173 Cr.P.C. was presented before the concerned Court on 28.07.2023. The co-accused Harjit Singh and Gurbir Singh have been granted regular bail by this Court vide orders dated 16.11.2023 (Annexure P-2) and 22.12.2023 (Annexure P-3) passed in CRM-56714-2023 and CRM-61545-2023 respectively.

6. In view of the ratio of law laid down by Hon'ble Supreme Court in *Prabhakar Tiwari Vs. State of UP and Anr.* 2020(1) RCR (Criminal) 831 and *Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others* 2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

7. Keeping in view the period of incarceration suffered by the petitioner and since the challan has already been presented against the petitioner and the likelihood of trial being prolonged, the present petition is allowed. Culpability, if any, would be determined at the time of the trial. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner- Baljeet Singh is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.
8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

29.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No