

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

225

CRM-M-9043-2024

Date of decision : 25.04.2024

Gurbir Singh @ Gopa**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN**

Present :- Mr. G.S.Hayer, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.121 dated 20.11.2017 registered for the offences punishable under Sections 382/411/458/342 IPC and Sections 25/27 of Arms Act at Police Station Bahawwala, District Fazilka.

2 The petitioner was booked on the basis of disclosure made by co-accused while in the police custody and was arrested. He was enlarged on regular bail on 14.10.2019. The petitioner absented from the Court proceedings and was declared as proclaimed person vide order dated 14.03.2022 and was thereafter arrested on 06.09.2023. Since then the petitioner is in custody and by now as per the custody certificate produced by the State, the total custody of the petitioner is 1 year, 01 months & 19 days.

3 Learned counsel for the petitioner submits that even after arrest, the petitioner is in custody for more than 1 year, 01 months & 19 days and the prosecution could examine only 05 witnesses.

4 Learned State counsel opposes the bail plea on the ground that the petitioner is a habitual offender and is also a prior convict for offences punishable under Sections 342/411/458 IPC.

5 I have heard learned counsel for the parties and have gone through the records of the case.

6 Keeping in view the nature of allegations levelled against the petitioner, the incriminating evidence i.e. only nature of disclosure made by co-accused and the fact that despite the petitioner being in custody for more than 1 year, 01 months & 19 days, the prosecution could examine only 05 witnesses, the present petition is allowed. However, in order to balance the equities, the petitioner is ordered to be released on regular bail on heavy surety to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

25.04.2024
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No