

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-12419-2024

Date of Decision : March 14, 2024

KULWINDER SINGH ALIAS KARAN

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. B.D.Sharma, Advocate,
for the petitioner.

Mr.Raghav Garg, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.23, dated 05.03.2023, under Sections 379-B of the IPC, registered at Police Station Kathu Nangal, District Amritsar Rural.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated, in the present case, and no recovery has been effected from him, and further he has not been named in the FIR(*supra*), rather his name was figured out during investigation, on the disclosure statement of a co-accused, which is inadmissible in the eyes of law.

3. He further submits that the main accused from whom the recovery has been effected, i.e. Bachiter Singh, has been extended the benefit of regular bail by a co-ordinate Bench of this Court vide order dated 17.11.2023 in case CRM-M-32044-2023.

4. He further submits that the petitioner was arrested on 21.12.2023, and has already suffered incarceration of about 3 months.

5. Notice of motion.

6. Mr.Raghav Garg, AAG, Punjab, accepts notice on behalf of respondent-State and vociferously opposed the grant of asked for relief on the ground that petitioner is an habitual offender, and is involved in one more criminal case of snatching, as per the custody certificate.

7. The custody certificate further reveals that the petitioner has suffered incarceration of 2 months and 23 days, as on today.

8. Faced with above difficulty, learned counsel for the petitioner submits that the other case of snatching which is registered against the petitioner, he is already on bail in that case. The petitioner is also seeking parity with the co-accused Bachiter Singh, rather he submits that he is on better footing than Bachiter Singh, who has been extended the relief of regular bail.

9. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

10. Be that as it may be, considering the fact that the co-accused Bachiter Singh, has already been granted regular bail, and the petitioner being on better footing than him, coupled with the fact that the petitioner has already suffered incarceration of 2 months and 23 days as on today, and the trial is yet to commence, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The

petitioner is ordered to be released on bail, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

11. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

March 14, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No