

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-14347 of 2024
Date of Decision: 01.04.2024

Gurwinder Singh @ Ginder

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.207, dated 08.08.2023, under Sections 379-B(2) and 201 of the IPC, 1860 and Sections 25, 27 and 54 of the Arms Act, 1959, registered at Police Station Jandiala, District Amritsar (Rural).

Learned counsel for the petitioner submits that the petitioner has been nominated on the basis of disclosure statement suffered by co-accused namely Sajjanpreet Singh. No recovery has been effected from the petitioner who is behind the bars for the last more than six months from the date of his arrest on 01.10.2023.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition on the ground that the petitioner is habitual offender, who is involved in three other cases of similar nature as has been detailed in para 13

of the petition as well as the custody certificate produced by the State.

Faced with the situation, learned counsel for the petitioner has controverted the aforesaid fact stating that in three cases i.e. FIR No.82, FIR No.79 and FIR No.26 of 2023, the petitioner is on bail and in other two cases i.e. FIR Nos.57 and 199 of 2023, though, he is in custody but has already filed applications seeking regular bail. He further submits that FIR No.207 of 2023 is the related to the instant petition and only two other.

Be that as it may, considering the fact that nothing has been recovered from the possession of the petitioner who has been nominated on the basis of the disclosure statement suffered by co-accused Sajanpreet Singh in another case i.e. FIR No.199 of 2023, added with the fact that after framing of charges on 03.01.2024, out of total 11 prosecution witnesses, none has been examined so far meaning thereby the trial is moving at snail's pace and conclusion thereof shall take considerable time, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***"Baljinder Singh alias Rock vs. State of Punjab"*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases.

In view of the above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the

trial Court/Duty Magistrate, concerned.

In the aforesaid terms, the present petition is, hereby, allowed.

However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

01.04.2024

D.Bansal

(SANDEEP MOUDGIL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No