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

CRM-M-15034-2024

Date of decision : 03.04.2024

Guddu Kumar @ Deepu

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr. Navneet Singh, Senior DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

This is the fourth petition filed by the petitioner praying for grant of regular bail in case FIR No.188 dated 19.06.2022, under Sections 379-B(2), 411 & 34 of IPC registered at Police Station Sahnewal, District Ludhiana, Punjab.

As per the factual matrix of the case, complainant-Pradeep Kumar got recorded his statement wherein he alleged that on 17.06.2022 at about 10:30 PM, he was returning to his house on motorcycle make Hero Honda. On the way, he was waylaid by two persons who were about 18-20 years old and riding on the motorcycle make Hero Honda HF Delux colour blue. The accused persons gave blows with the sharp edged weapon and forcibly snatched his wallet and Nokia Mobile Phone. Thereafter, they fled away from there. On the basis of the complaint, he prayed for taking legal action against both the culprits. On the basis of the statement, FIR was lodged and investigation commenced. During investigation, the petitioner

was arrested on 24.06.2022 through production warrants while he was in judicial custody in some other case i.e. FIR No.191 dated 24.06.2022, under Sections 399, 402 of IPC, at Police Station Sahnewal, Ludhiana. Petitioner approached the Court of Additional Sessions Judge, Ludhiana praying for grant of bail. However, the same was dismissed vide his order dated 23.12.2022. Thereafter, petitioner approached this Court however, his petitions were allowed to be dismissed as withdrawn. Hence, this is the fourth petition of petitioner praying for grant of regular bail.

It has been contended by counsel for the petitioner that petitioner has been falsely implicated in this case. He has submitted that petitioner is not named in the FIR and he was arrested on the basis of production warrant. He has submitted that false recovery has been planted upon the petitioner. He submits that though the petitioner is involved in other cases as well, however, he is on bail in those cases. He submits that as per the case of the prosecution, there are two accused in this case whereas, the co-accused Sunny Kumar has already been granted bail by this Court vide order dated 26.04.2023. It is submitted that petitioner is behind bars from the last about 01 year and 09 months. He submits that despite long incarceration, there is no substantial progress in the trial. He has submitted that mere pendency of the other cases is not a ground for rejection of the bail filed by the petitioner especially when the co-accused has already been granted bail by this Court much prior on 26.04.2023.

Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that there is ample evidence against the petitioner for his complicity in the present case. It is submitted that petitioner was lodged in the jail in other cases where he confessed about the present case and hence, his custody was taken on the production warrant. He submits that during investigation, motorcycle used in

the offence was recovered from him. It has been submitted by learned State counsel that petitioner is a habitual offender as he is involved in four more cases which are pending trial and in other two cases, he has been convicted as well. It is submitted that in all there are 12 prosecution witnesses, out of which, only 02 witnesses have been examined so far. He submits that in the overall facts and circumstances of the case, petitioner does not deserve to be granted bail.

Heard. On hearing counsel for the parties and perusing the record, it is apparent that the petitioner is behind bars since 24.06.2022. The accused in the present case was not named in the FIR, however, his custody was taken on the basis of production warrants. The co-accused in the present case has already been granted bail by this Court vide order dated 26.04.2023. Learned State counsel has produced the custody certificate which would show that the petitioner has completed custody of 01 year, 09 months and 12 days as on 02.04.2024. Though, the custody certificate further shows that petitioner is involved in other cases as well, however, his involvement in other cases in itself would not be a ground for the rejection of the bail in the present case. The prosecution so far has examined only 02 witnesses out of total 12 prosecution witnesses.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. Nothing said herein shall be treated as an expression

of opinion on the merits of the case. If the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

03.04.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No