

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

224 CRM-M-17110-2024

DATE OF DECISION:15.04.2024

GURNISHAN SINGH

...PETITIONERS

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. A.K. Khunger, Advocate for the petitioner(s).

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

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail in case of FIR No. 0003, dated 05.01.2024, under Sections 392, 34 IPC, 1860 registered at P.S. Khuian Sarwar, District Fazilka.

Learned counsel for the petitioner contends that the only allegation against the petitioner is that he has snatched the mobile phone which he has sold to one Karambir Singh. He asserts that the FIR was registered initially against some unknown persons and after registration, co-accused Karambir Singh was arrested and he nominated the name of the petitioner in his disclosure statement.

Learned State counsel has produced the custody certificate and the same is taken on record. According to the custody certificate, the petitioner is behind the bars for almost last 3 months by now. He further points out that challan has been presented on 10.04.2024 and there are 21 prosecution witnesses to be examined.

It is not disputed by the State Counsel that no useful purpose would be served by keeping the petitioner in custody as the investigation is complete and charges have been framed. The trial will take time to conclude as prosecution has to examine 21 witnesses.

Learned State Counsel further points out that the petitioner is involved in one more case, therefore does not deserve the concession of regular bail.

Be that as it may, considering the fact that no recovery has been effected from the possession of the petitioner and he has been arrayed as an accused on the basis of disclosure statement of co-accused and as far as the pendency of other case, 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 such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

In light 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 Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

15.04.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>