

309 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21716-2024
Date of Decision : 09-05-2024

SARWAN SINGH @ COL @ PARDEEP SINGH @ PEERU
.....Petitioner

Versus

STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Nandan Jindal, Advocate with
Mr. Abhinandan Jindal, Advocate,
Mr. Tushar Sabherwal, Advocate and
Mr. Ashwani Katter, Advocates for the petitioner

Mr. J.S. Arora, DAG Punjab.

PANKAJ JAIN, J. (Oral)

1. Prayer in the petition is for grant of regular bail in FIR No.83 dated 23.10.2021 registered for offences punishable under Sections 420, 406, 467, 468, 201, 171, 120-B of IPC at Police Station Jodhan, District Ludhiana.
2. Counsel for the petitioner refers to order dated 23.04.2024 passed in CRM-M-18596-2024 whereby co-accused Pooran Singh @ Puran Singh has already been granted regular bail by this Court observing as under:-

“1. Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.83 dated 23.10.2021 registered for the offences punishable under Sections 420 and 406 of IPC (Sections, 120- B, 467, 468, 201 and 171 of the IPC added later on) at Police Station Jodhan, District Ludhiana.

2. *Learned counsel for the petitioner submits that in the present case, a complaint was received against the co-accused namely, Sarwan Singh qua the allegations that he had taken money from the complainant on the pretext of providing the willing job in Army and during the investigation of the said complaint, it was found that petitioner was also involved but in the FIR, it was noticed that no money was paid to the petitioner by the complainant. Learned counsel for the petitioner further submits that the petitioner is behind the bars for the last 01 year, 08 months and 06 days and as the trial is not likely to be concluded in near future, the petitioner may kindly be extended concession of regular bail.*

3. *Learned State counsel though, concedes the factum that the allegations qua the payment of money for recruitment in Army was against the co-accused Sarwan Singh and it was the said Sarwan Singh, who had told the petitioner that in case anyone is interested in getting recruitment in Army, he/she can contact him but submits that role of the petitioner in sending the complainant to the co-accused Sarwan Singh cannot be ruled out. Learned State counsel further concedes that there is no other case pending against the petitioner and the petitioner is behind the bars for the last more than one year and out of the total 34 cited witnesses, only 03 witnesses have been examined so far.*

4. *I have heard learned counsel for the parties and have gone through the record with their able assistance.*

5. *Keeping in view the facts and circumstances of the present case especially that there is no allegation of receiving any money from the complainant by the petitioner as the said allegations are only against the co-accused Sarwan Singh coupled with the fact that there is no other case pending against the petitioner and he is behind the bars for the last one year and 08 months and as of now out of the total 34 cited witnesses, only 03 witnesses have been examined so far, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.*

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.”

3. Keeping in view the parity and the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

4. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

09-05-2024
spn

Whether speaking/reasoned Yes
Whether Reportable No