

2024:PHHC:074507



217 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25357-2024
Decided on:-24.05.2024

Sukhwinder Singh @ Sukha

....Petitioner..

VS.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Manbir Singh Basra, Advocate and
Mr. Anupinder Brar, Advocate,
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No.10 dated 05.02.2024 registered under Sections 380 and 411 IPC at Police Station Maloud, Police Distict Khanna, District Ludhiana, wherein the petitioner has been implicated with the allegations of having tried to commit theft of some part of transformer from the field of Jaswinder Singh.

2. On the other hand, learned State counsel vehemently opposes the prayer made on behalf of the petitioner while referring to the antecedents of the petitioner, who is stated to be involved in 11 more cases, out of which, 07 relating to the similar allegations and thus, he prays for dismissal of the present petition.

3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the

petitioner.

4. In the present case, investigation already stands concluded with the filing of challan followed by framing of charges and trial is likely to take some time as none of the prosecution witness has been examined so far, whereas, the petitioner is in custody for the last 3 ½ months.

As regards the involvement of the petitioner in other cases, the same cannot be treated as an absolute bar while granting bail to him and a support can be drawn from the law laid down in “Prabhakar Tewari vs. State of U.P. & Anr., Crl. Appeal No.153 of 2020 (arising out of SLP (Crl.) No.9207 of 2019)” decided on 24.01.2020 and “Maulana Mohd. Amir Rashadi vs. State of UP and another, 2012(2) SCC 382”, wherein it has been held that involvement of accused in other cases alone, is no ground to discard the claim of bail on merits.

5. Thus, considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

24.05.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No