

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

CRM-M-34166-2023

Decided on:-24.01.2024

Rashpal Singh @ Jaspal Singh

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Malkiat S. Hundal, Advocate,
for the petitioner.

Mr. Shubham Kaushik, 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 pending trial in case FIR No. 10 dated 22.01.2022 under Section 379-B IPC and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Patti, Tehsil Patti, District Tarn Taran, Punjab.

2. Mr. Malkiat S. Hundal, Advocate has appeared on behalf of the petitioner and filed his vakalatnama with no objection from the previous counsel.

3. As per allegations levelled in the FIR, the petitioner along with others entered into a medical shop and robbed the owner of Rs.80,000/- at gun point.

4. Learned counsel for the petitioner on instructions submits that in order to show his *bona fide*, the petitioner is even ready to compensate the complainant by way of depositing a non-refundable amount of Rs.80,000/-

with the Trial Court without prejudice to his rights in the trial.

5. On the other hand, prayer made herein has been opposed at the instance of learned State counsel while submitting that the petitioner is involved in 08 more cases, though, in four cases, he has already been granted the concession of bail and in remaining cases bail applications are pending.

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

7. In the present case, the investigation already stands concluded with the filing of challan followed by framing of charges and the petitioner is already behind the bars for a period of more than almost 01 year & 11 months now and none of the prosecution witness has been examined out of total 12 witnesses cited by the prosecution. Moreover, co-accused of the petitioner namely, Karandeep Singh @ Karan has already been granted the concession of regular bail by this Court vide order dated 13.04.2023 passed in CRM-M-9950-2023. It is also admitted that no recovery has been effected from the petitioner though, as per learned State counsel, there are 08 more cases pending against him.

8. Considering the aforesaid facts as well as the fact that the trial is likely to take long time and for the purpose of consideration of bail application, the facts and circumstances of the present case are to be primarily looked into, thus, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the

satisfaction of the concerned trial Court/Duty Magistrate. The aforesaid amount of Rs.80,000/-, which is non-refundable as volunteered by learned counsel for the petitioner shall be deposited by the petitioner at the time of submissions of his bail bonds before the Trial Court/Duty Magistrate, which shall be released to the complainant upon verification.

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

24.01.2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No