

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

238

CRM-M -35963-2024

Date of Decision : **August 01, 2024**

GURJANT SINGH ALIAS JANTA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.Vikas Gupta , Advocate for the petitioner.
Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.34 dated 30.5.2016, under Sections 379-B(2), 323 IPC, registered at Police Station Sirhali, District Tarn Taran.

2. It is the positive case of the petitioner that earlier he was granted the relief of regular bail by the learned trial Court concerned, vide order dated 28.10.2016. Thereafter, on account of the absence of the petitioner from the learned trial Court concerned, he was declared as a proclaimed offender on dated 22.4.2019. Thereafter, he was arrested in the instant matter on 5.1.2024 and till date after his arrest, he is behind bars.

3. Learned counsel for the petitioner in the asking for the relief (supra), submits that the complainant-victim has turned hostile, as he did not identify him during his deposition before the learned trial Court concerned, for which he referred to Annexure P-2 i.e. statement of the complainant.

4. Per contra, the learned State counsel has opposed the grant of regular bail to the petitioner, on the ground that the petitioner is infact a habitual offender, as he is facing trial in four other cases and in fifth case, he has been convicted for 8 years. He has also placed on record the custody certificate and informs this Court on instructions from the official concerned that in the instant case the charges were framed way back on 27.3.2017 and out of total 14 cited witnesses, 5 have already been examined.

5. This Court has considered the rival submissions made by the learned counsel for the parties concerned and is of the view that the petitioner deserves to be released on regular bail for the reason that since the petitioner was arrested in the instant matter way back on 5.1.2024 and suffered sufficient incarceration and the complainant has already turned hostile.

6. In view of the facts and circumstances recorded above, the present petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of heavy bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 01, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No