



CRM-M-40017-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-40017-2024

Date of Decision :29.08.2024

Gurinder Pal Singh @ Bhola

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gurcharan Dass, Advocate for the petitioner.

Mr. T.P.S. Chawla, Senior DAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 483 Bhartiya
Nagarik Surksha Sanhita, 2023 for the grant of regular bail to the petitioner
in respect of FIR No.88 dated 26.08.2018 under Sections 458, 380, 323 &
342 IPC (Sections 460 & 201 of IPC added later on) registered at Police
Station Sadar, District Sangrur.

Learned counsel for the petitioner submits that the petitioner is
behind the bars since 19.11.2018 and has already undergone custody for a
period of more than 05 years and 09 months and out of the total 27 cited
witnesses, only 15 witnesses have been examined so far. Learned counsel for
the petitioner further submits that the similarly situated co-accused namely,
Baljit Singh has already been extended the benefit of regular bail by this

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Court while passing order in CRM-M-62758-2023 on 18.04.2024 (Annexure P/15) hence, on the ground of parity, the petitioner is also entitled for the grant of benefit of regular bail.

Learned State counsel does not dispute the fact that the petitioner is behind the bars for the last more than 05 years and 09 months and that out of the total 27 cited witnesses, only 15 witnesses have been examined so far. Learned State counsel has also not disputed the fact that similarly situated co-accused namely, Baljit Singh has already been extended the benefit of regular bail by this Court while passing order in CRM-M-62758-2023 on 18.04.2024 (Annexure P/15).

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

Keeping in view the fact that the petitioner is behind the bars for the last more than 05 years and 09 month and there is no likelihood that the trial will be concluded in the near future coupled with the fact that similarly situated co-accused namely, Baljit Singh has already been extended the benefit of regular bail by this Court while passing order in CRM-M-62758-2023 on 18.04.2024, no useful purpose will be served by keeping the petitioner behind the bars during the entire period of trial. Further, learned State counsel has not been able to point out any differentiating fact in the case of the petitioner as compared to the co-accused Baljit Singh so as to deny him the benefit of regular bail, which has already been extended to the said co-accused Baljit Singh.

Keeping in view the above, petitioner has made out a case for



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the grant of benefit of regular bail on the ground of parity, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, present petition/bail application is allowed and it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 29, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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