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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43910-2024(O&M)

Date of Decision: 07.11.2024

Gursharanjit Singh @ Sona

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. K.S. Sekhon, Advocate, for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.74 dated 21.04.2021, under Sections 379-B, 397 IPC and Section 25 of Arms Act (Section 411 IPC added later on), registered at Police Station Sadar, Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submitted that in the present case, the petitioner is in custody for 3 ½ years and the material witnesses including the complainant have been examined. He submitted that the allegations in the present case were that the petitioner had snatched motorcycle and mobile from the complainant on pistol point but the petitioner has been falsely implicated in the present case and there has been material discrepancies in the statement of the complainant, wherein he stated that instead of pistol it was *kappa*. He submitted that the reason as to why the petitioner was falsely implicated was because of the pendency of six more cases against the petitioner but considering the long custody of the



petitioner and slow pace of the trial, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Rajiv Verma, DAG, Punjab has submitted that so far as the custody of the petitioner is concerned, the same is correct but the petitioner is not entitled for the grant of regular bail on the ground of being habitual offender. He also submitted that the material witnesses including the complainant have already been examined.

4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner has already faced incarceration for 3 ½ years. The material witnesses including the complainant have already been examined, as per the learned counsels for the parties. The mere fact that the petitioner is involved in six more cases itself cannot become a ground for denial of bail to the petitioner.

6. Therefore, considering the totality of facts and circumstances of the present case especially the long custody of the petitioner, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

07.11.2024

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking
Whether reportable

: Yes/No
: Yes/No