



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50583-2024 (O&M)

Date of Decision:04.12.2024

Sukhchain Singh @ Pintu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Anmol Sharma Vashisht, Advocate for
Mr. Brijesh Nandan, Advocate for the petitioner.

Mr. B.S. Bali, Addl. A.G. Punjab.

JASGURPREET SINGH PURI J.(Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.190 dated 11.08.2022 under Sections 379-B/34 IPC (Section 411 of IPC added later on), registered at Police Station Shahkot, District Jalandhar, Punjab.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for about 2 years and 3 months. In the present case the learned Trial Court framed the charges on 08.02.2023, which is more than 1 year and 9 months ago and till today only one prosecution witness has been examined. He submitted that, as per the allegations, the petitioner, along with other co-accused had looted the salesmen at a petrol pump early in the morning, and an amount of Rs. 33,000/- was taken from the pockets of the salesmen. He further submitted that the complainant has not



supported the prosecution's version and has turned hostile. He also submitted although the petitioner is involved in five more cases but that itself cannot become a ground for denial of regular bail to the petitioner in the present case in view of the fact that more than 01 year and 09 months have elapsed after framing of the charges and only 01 prosecution witness has been examined till today and considering the aforesaid custody of the petitioner, he may be granted the concession of regular bail.

3. On the other hand, learned State counsel submitted that, insofar as the custody of the petitioner is concerned, the same is correct. It is also correct that charges in the present case were framed by the trial court on 08.02.2023, and till today, only one prosecution witness has been examined. The complainant, namely Nirmal Singh, has not supported the prosecution's version and has turned hostile. However, he has opposed the grant of regular bail to the petitioner on the grounds that the petitioner is a habitual offender and is involved in five more cases of a similar nature.

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

5. The custody of the petitioner has come out to be about 2 years and 3 months. As per the learned counsels for the parties, the learned trial court had framed the charges in the present case on 08.02.2023, which is now more than 1 year and 9 months ago. According to the learned counsels for the parties, only one prosecution witness i.e. complainant has been examined till today, and he has not supported the prosecution's version and turned hostile. The subject matter of the present case is stated to be Rs. 33,000/-. So far as the objection raised by learned State counsel that the petitioner being a habitual offender and is involved in as many as 05 more cases of similar

nature, the same itself cannot become a ground for denial of regular bail to the petitioner in view of the long custody of the petitioner in the present case.

6. In view of the aforesaid facts and circumstances, the petitioner deserves the concession of bail.

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

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

(JASGURPREET SINGH PURI)
JUDGE

04.12.2024
shweta

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