

CRM-M-50990-2024

1

239

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-50990-2024

Date of Decision: 22.10.2024

Balwinder Singh @ Balwinder Kumar @ Vicky @ Jarman Baba

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:-. Mr. Anmol Puri, Legal Aid Counsel
for the petitioner.

Mr. Kamalpreet Bawa, AAG Punjab

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.117 dated 25.12.2022, under Section 379-B IPC registered at Police Station Thermal, District Bathinda.

2. The facts of the present case are that on 24.12.2022 at about 2.45 p.m. the complainant, who is a taxi driver, was present at Taxi Stand in Ratia where one Rinku Singh had come there with a faulty car and the person accompanying him namely Balwinder Kumar came to the complainant to hire his taxi to go to Bathinda. When the complainant reached near Bathinda, the petitioner snatched the key of the car of the complainant and fled away in same.

3. Learned counsel for the petitioner submits that petitioner has been

himself implicated in this case. He further submits that the alleged occurrence took



CRM-M-50990-2024

2

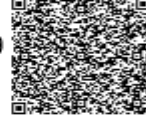
place on 24.12.2023 whereas the FIR was got lodged on 25.12.2023. The petitioner has been in custody for 01 year, 02 months and 20 days. Learned counsel submits that four more cases have been registered against the petitioner and he is on bail in two cases. He further submits that charges have been framed on 12.12.2023 and out of 16 prosecution witnesses, only 08 prosecution witnesses have been examined till date.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 01 year, 02 months and 20 days. He further submits that there are four more cases registered against the petitioner, however, in two cases he is on bail. He further submits that the charges in the present case were framed on 12.12.2023 and out of 16 prosecution witnesses, 08 prosecution have been examined. He, however, submits that there are serious allegations against the petitioner and he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. As regards the submission of learned State counsel that petitioner is involved in four more criminal cases, reference is placed upon the judgment of the Hon'ble Supreme Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

“As observed by the High Court, merely on the basis of criminal

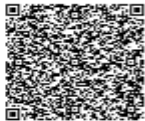


antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

7. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the charges were framed and 08 prosecution witness have been examined till date. The petitioner has undergone actual custody of 01 year, 02 months and 20 days. Therefore, this Court is of the view that further incarceration of the petitioner would not serve any purpose.

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which she is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the



CRM-M-50990-2024

facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

22.10.2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No