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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-59004-2023 (O&M)
Date of Decision:08.01.2024****Sandeep Kumar @ Karua**

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Balkarn Singh Aulakh, Advocate for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in case bearing FIR No.320 dated 29.12.2022 under Sections 454, 323, 379-B and 34 of IPC (Sections 411, 342 and 379 of IPC added later on), registered at Police Station City Malout, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 05.01.2023, which is 01 year and 03 days, investigation of the case has already been completed and challan has been presented. He submitted that as per the allegations, the complainant had reported to the police that two persons had come to her house and had snatched an amount of Rs.8,00,000/-, however, later on at the time of supplementary statement before the police, she refuted the same by stating that she has already recovered an amount of Rs.3.5 lakhs from her almirah and as per further allegations in the FIR, the aforesaid two persons had

also snatched some gold ornaments including two gold bangles of about two tolas, one gold chain of two tolas and three rings of about one tola. Learned counsel for the petitioner further argued that the entire case is based upon suspicion and circumstantial evidence and infact initially the FIR was lodged against unknown persons. Learned counsel submitted that be that as it may, now the petitioner, who has clean antecedents and is not involved in any other case and has already faced incarceration for more than one year and the other co-accused namely Rahul, who is exactly at parity with the present petitioner, has already been granted the benefit of regular bail by this Court vide Annexure P-2 in CRM-M-55122-2023. He has submitted that the present petitioner is exactly at parity with the aforesaid co-accused, therefore, even on the grounds of parity, he deserves the concession of regular bail in this petition.

3. On the other hand, Mr. Rajiv Verma, DAG, Punjab, has stated that it is correct that investigation has been completed and the challan already stands presented and the petitioner has faced incarceration for 01 year and 03 days and the other co-accused, namely, Rahul, has already been extended the benefit of regular bail vide Annexure P-2 and the petitioner is at parity with the aforesaid co-accused.

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

5. It is a case where the petitioner is stated to be in custody for 01 year and 03 days. The investigation in the case has been completed and challan already stands presented before the competent Court. The other co-accused namely Rahul has already been extended benefit of regular bail by this Court vide Annexure P-2 and the petitioner is exactly at parity with the co-accused. Therefore, considering the custody of the petitioner

and also the parity as aforesaid, the petitioner also deserves for concession of regular bail.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

(JASGURPREET SINGH PURI)
JUDGE

08.01.2024

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