

2024:PHHC:126836



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207 CRM-M-121-2024 (O&M)
Date of decision: 24.09.2024

Jaswinder Singh @ Sona
Versus ...Petitioner

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Rajiv Kumar Saini, Advocate for the petitioner.
Mr. Kanav Singla, AAG, Punjab.

VIKAS SURI, J.(Oral)

FIR No.	Dated	Section/s	Police Station
124	08.10.2022	307 IPC and Section 25 of Arms Act	Rangar Nangal, District Batala

VIKAS SURI, J.

1. This second petition under Section 439 Cr.P.C. has been filed by the petitioner seeking regular bail in the above captioned case. The first petition having been dismissed as withdrawn on 30.11.2023, whereafter, the petitioner again approached the trial Court by way of third bail application, which was dismissed vide order dated 08.12.2023.
2. Learned counsel for the petitioner submits that petitioner has been incarcerated since 15.12.2022 and has undergone actual period of 01 year, 09 months and 06 days, as an under trial. It is further



submitted that petitioner is not named in the FIR and has been nominated in the disclosure statement of co-accused Ranjodh Singh @ Ranjot Singh @ Bablu. The investigation is complete; challan was presented on 11.02.2023 and charges were framed on 13.03.2023. The trial is proceeding at a snail's pace. Out of total 14 prosecution witnesses cited, only seven have been examined so far. Co-accused Bhupinder Singh has been granted the concession of regular bail vide order dated 11.08.2023. The petitioner is also involved in four other cases, in one, he has been acquitted and in the others, he is on regular bail. Thus, no useful purpose would be served by keeping the petitioner behind bars for an indefinite period.

3. On the other hand, learned State counsel has opposed the present petition while placing on record custody certificate dated 23.09.2024. Learned State counsel would refer to the status report dated 09.07.2024, being the subsequent status report filed in this case, to contend that in the present case, 12 bore rifle has been recovered from the petitioner. It is further submitted that in another case, one *desi* pistol of 32 bore along with magazine and eight live cartridges were recovered from the petitioner. However, it is not denied that as per custody certificate, the petitioner has been granted regular bail in the said case. It is further submitted that co-accused Ranjodh Singh @ Ranjot Singh @ Bablu, is not similarly situated as in the said case no incriminating article has been recovered from his possession. Learned State counsel is not in a position to dispute that petitioner has been granted regular bail in the



other cases and has been acquitted in one case on 29.04.2024, i.e., after his last bail application before the Court below was rejected.

4. I have heard learned counsel for the parties and considered the rival contentions.

5. Keeping in view the aforesaid and peculiar circumstances of the present case, without commenting upon the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail during the pendency of trial, on his furnishing bail-bond and surety to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6. It is made clear that the petitioner shall not influence the trial or prosecution witnesses in any manner directly or indirectly.

7. However, any observation made herein-above shall not be construed as an expression of opinion on the merits of the case.

September 24, 2024
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No