

2024:PHHC:002020

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-65220-2023
Date of decision : 09.01.2024

Jaspal Singh @ Kalu Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Malkiat S. Hundal, Advocate
for the petitioner (Through Video Conferencing)

Mr. Jaswinder Singh Arora, DAG, Punjab
with ASI Amrik Singh.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.39 dated 13.04.2023, registered for the offences punishable under Sections 307, 452, 427, 506, 148 and 149 of IPC and Sections 25, 27, 54 and 59 of Arms Act, at Police Station Kathu Nangal, District Amritar.
2. Counsel for the petitioner relies upon order dated 18.12.2023 (Annexure P-3) passed by this Court in CRM-M-62420-2023, whereby co-accused Dilbagh Singh @ Dana has been granted regular bail, observing as under:-

“1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.39 dated 13.04.2023 registered for the offences punishable under Sections 307, 452, 427, 506, 148, 149 of IPC and Sections 25, 27 of Arms Act, 1959 at Police Station Kathu Nangal,

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District Amritsar Rural.

2. Reliance is being placed upon the order dated 28th of August, 2023 passed in CRM-M No.26686 of 2023 whereby recognizing the compromise between the accused and the complainants/victims the FIR stands quashed but qua petitioners therein. Counsel submits that the present petitioner could not be one of the petitioners in quashing for the reason that he was not named in the FIR.

3. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.

4. I have heard counsel for the parties and have gone through records of the case.

5. Without commenting on the merits of the case and keeping in view the incarceration already suffered by the petitioner i.e. for last more than 6 months since 03.06.2023, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

6. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.”

3. Counsel for the State does not dispute the aforesaid factual assertions.

4. Keeping in view the parity and the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

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5. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

09.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No