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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-766-2025(O&M)
Date of Decision: 16.01.2025

Joga Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Dhruv Gupta, Advocate, for the petitioner.

Mr.P.S. Bhandari, AAG. Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 483 of BNSS for grant of regular bail to the petitioner in FIR No.60 dated 09.06.2019, under Section 459 IPC (Sections 380,120-B IPC added later on and charge framed under Section 460 IPC), registered at Police Station Khilchian, District Amritsar Rural.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody for about 5 years and 7 months and it is a case where the allegations against the petitioner were that an FIR was registered by alleging that one Sucha Singh who was the father-in-law of the complainant was found dead outside the house and even his ATM and an amount of Rs. 10,000/- were missing. He submitted that the entire case is based upon circumstantial evidence and thereafter, the name of the petitioner



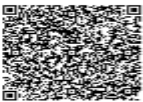
was nominated in the present case. He submitted that considering the aforesaid custody of the petitioner which is very large and the fact that only 2 out of 22 prosecution witnesses have been examined in the present case, he may be considered for the grant of regular bail.

3. On the other hand, Mr.P.S. Bhandari, learned AAG. Punjab has submitted that so far as the custody of the petitioner is concerned, the same is correct. He has however opposed the grant of bail to the petitioner on the ground that the petitioner was involved in one more case in FIR No.180 dated 22.04.2020 in which he was accused of breaking the jail alongwith other jail inmates and submitted that considering the conduct of the petitioner, he is not entitled for the grant of regular bail.

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

5. It is a case where the petitioner has already faced incarceration for about 5 years and 7 months, as per learned counsels for the parties and only two prosecution witnesses have been examined till date. The mere fact that in one another case, the petitioner was involved in allegations of breaking the jail would not become a ground for denial of bail to the petitioner especially because of the aforesaid long custody of the petitioner. Therefore, considering the aforesaid facts and circumstances especially the long custody of the petitioner, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.



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

16.01.2025

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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