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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-37093-2024

Date of decision : 11.03.2025

Varinder Singh @ Marruh**....Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Gaurav Kalsi, Advocate for
Mr. H.S. Batth, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.145 dated 20.06.2017, under Sections 401 of IPC, registered at Police Station Bhikhiwind, District Tarn Taran.
2. Succinctly the facts of the case are that the Police received a secret information on 20.06.2017, to the effect that Varinder Singh @ Marruh (petitioner) along with co-accused were present in the shed of Focal point built in grain market and were planning to commit a theft and in case of raid, they could be arrested along with the weapons. On finding the information reliable, police constituted a raid team and raid was conducted at the disclosed place. The persons as disclosed were found at the disclosed place. On asking, one of the accused was found to be Varinder Singh @ Marruh i.e. the petitioner, who was armed with *Datar*. The other co-accused were also arrested on spot. On registration of the FIR, investigation commenced. The petitioner, thereafter, was granted regular bail by the learned trial Court, however, he jumped the bail and



hence, the same was cancelled vide order dated 03.08.2022. Thereafter he was declared a proclaimed offender vide order dated 17.11.2023, however, he was arrested thereafter on 24.03.2024 and since then, he is behind bars. The petitioner approached the Learned Sessions Judge, Tarn Taran praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Sessions Judge, Tarn Taran vide order dated 10.07.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely and frivolously implicated in the present case on the basis of alleged secret information. He submits that the present case has been planted upon the petitioner as neither the petitioner was present at the time of alleged occurrence nor any recovery has been effected from him. He submits that the learned trial Court has already granted him bail, however, he remained absent the same was cancelled. He further submits that though is petitioner is involved in 02 more cases, however, he is on bail in the said cases. He submits that the custody of the petitioner is more than 01 year and rest of the co-accused of the petitioner are already on bail and hence, in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Learned State counsel, on instructions, has opposed the submissions made by the counsel for the petitioner and submits that though the petitioner was granted bail earlier, however, he misused the same and hence, he was declared proclaimed offender. He submits that the petitioner is facing prosecution in 02 other cases. However, he submits that the co-accused are already on bail.



5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was earlier granted bail by the learned trial Court but as he jumped the bail, the same was cancelled and he was declared proclaimed offender. It is an admitted fact that the petitioner is behind bars since 24.03.2024. The custody certificate filed would show that he has suffered incarceration of 01 year and 11 days. Though, he is involved in two more case, however, he is on bail in the said cases. The co-accused of the petitioner, are already on bail.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.03.2025
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(RAJESH BHARDWAJ)
JUDGE

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