IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 29080 of 2018
Date of decision : 05.12.2018

Manjit Singh alias Amit

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present **:** Mr. J. S. Dadwal, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

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DAYA CHAUDHARY, J.

Petitioner Manjit Singh alias Amit has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.217 dated 06.09.2017 under Section 379-B read with Section 34 of the Indian Penal Code, 1860 (Section 411 IPC added later on), registered at Police Station – Division No.2, Ludhiana, Distt. Ludhiana, during pendency of the trial.

Learned counsel for the petitioner submits that the FIR was registered against four unknown persons. Neither the name of the petitioner was mentioned in the FIR nor any role has been attributed to him. As per story of the prosecution, a bag containing ₹14,22,312/- has been shown to be recovered from all the accused persons, whereas there was no mention of the currency notes. Learned counsel submits that stand of the complainant himself is contrary in the complaint itself. He is in custody since 21.03.2018. There are total 21 prosecution witnesses, out of them only one witness *i.e.* the

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complainant has been examined, who has not supported the case of the prosecution. Trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner, but he has not disputed the period of custody undergone by the petitioner as well as the fact that the complainant has not supported the case of the prosecution.

Heard arguments of learned counsel for the parties. I have also perused the contents of the FIR and other documents available on the file.

By considering the submissions made by learned counsel for the petitioner and keeping in view that the petitioner is in custody since 21.03.2018 and also the facts that he has been implicated in the present case, whereas neither his name was mentioned nor his role was specified; there is no progress in the proceedings pending before the trial Court as only one witness *i.e.* the complainant has been examined, who has not supported the case of the prosecution; trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

05.12.2018 **(DAYA CHAUDHARY)**
sunil yadav **JUDGE**

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

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