

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

CRM-M No.38626 of 2018

Date of decision : 12.09.2018

Sony Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. A. K. Walia, Advocate for the petitioner.

Mr. C. L. Pawar, Senior DAG, Punjab.

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DAYA CHAUDHARY, J.

Petitioner Sony Singh has approached this Court by way of present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.84 dated 21.09.2017 initially registered under Sections 459/506/34 of the Indian Penal Code, 1860 (for short - "IPC") at Police Station Sadar Budhlada, Distt. Mansa. Later on offences under Sections 457/394/307/120-B IPC were added and offence under Section 459 IPC was deleted vide DDR No.16 dated 02.12.2017 Police Station Sadar Budhlada. Challan was presented under Sections 457/394/307/506/34/120-B IPC and charges were framed under Sections 457/307/397/324/506/120-B/34 IPC.

Learned counsel for the petitioner submits that initially the FIR was registered under Sections 459/506/34 IPC but later on Sections 457/394/307/120-B IPC were added and Section 459 IPC was deleted vide

DDR No.16 dated 02.12.2017 Polcie Station Sadar Budhlada and now the charges have been framed under Sections 457/307/397/324/506/120-B/34 IPC. Learned counsel further submits that as per the allegations in the FIR, the petitioner inflicted one injury on the person of Gurjant Singh who is husband of complainant Harbans Kaur. The allegations are totally false. Petitioner has been implicated only on the basis of suspicion as there was altercation with the complainant prior to date of lodging of FIR. Learned counsel further submits that there is no allegation that the petitioner took away the purse containing money. As per allegations in the FIR, the purse containing money was taken by co-accused Harwinder Singh. Learned counsel also submits that it appears to be unbelievable that the complainant was sleeping in courtyard with a purse containing ₹25,000/-. Co-accused Harwinder Singh was granted regular bail being juvenile. Another co-accused namely Ladi Singh has also been granted regular bail vide order dated 28.08.2018 passed in CRM-M No.34338 of 2018. Learned counsel further submits that investigation has been completed as challan has been presented before the Court on 05.12.2017 and now the case is fixed for prosecution evidence. There are total 24 prosecution witnesses out of which 7 prosecution witnesses, which are material, have been examined upto now. Learned counsel also submits that the petitioner is in custody for the last more than 11 months and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the period of custody undergone by the petitioner and the stage of the trial as well as grant of

regular bail to the co-accused.

Heard arguments of learned counsel for the petitioner as well as learned State counsel. I have also perused the contents of the FIR and other documents on the file.

By considering the submissions made by learned counsel for the petitioner that all material prosecution witnesses have been examined and the co-accused of the petitioner have been released on regular bail and also the fact that there are total 24 prosecution witnesses, out of which 7 have been examined so far, still trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody.

Accordingly, 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.

12.09.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No