

CRM-M-16745-2020

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

CRM-M-16745-2020

Date of Decision: 06.08.2020

Paramjit Singh Daim @ Happy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Pratham Sethi, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. Surya Parkash, Advocate,
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case FIR No.44 dated 15.05.2017, registered at Police Station Mehna, District Moga, under Sections 406, 420, 467, 468 and 471 IPC.

Learned counsel for the petitioner submits that the petitioner is being tried by the Court of Magistrate of First Class, which may pass a sentence of imprisonment for a term not exceeding three years in view of Section 29(2) Cr.P.C., whereas the petitioner has been in custody for a period of 02 years and 07 days. He also relies upon the judgment rendered by Hon'ble the Supreme Court in Sanjay Chandra Vs. CBI (2012) 1 SCC 40.

CRM-M-16745-2020

Learned counsel the petitioner further argues that charges were framed on 26.03.2019 and as per Section 437(6) Cr.P.C., trial was to be concluded within 60 days.

Per contra, learned State counsel opposes the prayer made in the present petition. However, he does not dispute the fact that the petitioner has been in custody for more than 02 years and offences against the petitioner are triable by the Judicial Magistrate First Class. He also does not dispute that charges were framed on 26.03.2019 and out of 29 prosecution witnesses, four witnesses have been examined and case before the trial Court is fixed for 05.10.2020.

I have heard the learned counsel for the parties.

As per the provisions contained in the Cr.P.C., if at the conclusion of trial, the petitioner-accused is found to be liable for a sentence exceeding three years, the Judicial Magistrate First Class may refer the case to the concerned Chief Judicial Magistrate. However at present, there is nothing on record to indicate as such. Moreover, charges were framed on 26.03.2019 and the trial has exceeded sixty days from the first date fixed for taking the evidence.

Keeping in view the fact that the petitioner has been in custody for a period of more than 02 years and that trial of the case would take time to conclude, this Court finds that no useful purpose would be served by keeping him in custody.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing

CRM-M-16745-2020

bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

06.08.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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