

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

CRM-M-8196-2021 (O&M)

Date of decision : 08.09.2021

Rajpal Singh @ Rajpal

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Parvez Chugh, Advocate
for the petitioner.

Mr. Sandeep Vermani, Addl. AG Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.145 dated 06.09.2020 under Sections 489-A, 489-B, 489-C of the Indian Penal Code, 1860 (offence under Section 411 IPC was added on 02.12.2020), registered at Police Station Jaito, District Faridkot (Punjab).

Learned counsel for the petitioner would contend that after withdrawal of first petition being CRM-M-37960-2020 on 21.12.2020, the change in circumstances is that charges have now been framed. Learned counsel for the petitioner would further contend that the trial is not progressing and the petitioner has been in custody since 06.09.2020.

Learned counsel for the State on instructions from ASI

Sukhwinder Singh has stated that though charges have now been framed but

out of 16 prosecution witnesses none has been examined and no recovery is yet to be effected from the petitioner.

Heard learned counsel for the parties.

The petitioner has been in custody for over a year and the trial is not progressing. Out of the 16 prosecution witnesses none have been examined so far. In view of the same and without commenting upon the merits of the case and also considering the fact that the trial is likely to take some time to conclude, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

08.09.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO