

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8641-2021
Date of Decision: 07.09.2021

Sona

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr.Ravi Singh, Advocate, for
Mr. Anantdeep Singh Sandhu, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 01 dated 07.01.2021, under Sections 398, 393, 473 IPC (Section 398 IPC deleted and Section 397 IPC added later on), registered at Police Station Mehna, District Moga.

Learned counsel for the petitioner has submitted that the petitioner was falsely implicated in this FIR and investigation of the case is already complete and there is no recovery to be made from the petitioner.

He has further submitted that the petitioner is in custody since 07.01.2021

and after the completion of investigation, the challan has already been presented before the competent Court and the trial of the case would take long time and therefore, no useful purpose will be served by keeping the petitioner in custody. He has also submitted that the other two co-accused namely, Gurwinder Singh and Arjandeep Singh have already been granted bail. He further submitted that the petitioner is not involved in any other case and even as per the allegation the police had caught the accused on the ground that they were preparing to commit dacoity but no act of dacoity has taken place. He further submitted that the petitioner has his clean antecedent and the case was planted upon the petitioner.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that it is correct that the petitioner is in custody since 07.01.2021 and the police has already completed the investigation and the challan has been presented before the competent Court and no recovery is to be made from the petitioner. He further submitted that it is correct that the petitioner is at parity with the co-accused namely, Arjandeep Singh and Gurwinder Singh who have been granted bail.

I have heard the learned counsel for the parties.

The petitioner is in custody since 07.01.2021 and no recovery is to be made from the petitioner as per the prosecution. The trial of the case would take long time. The other similarly situated co-accused namely, Gurwinder Singh and Arjandeep Singh have already been granted bail. Furthermore it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

07.09.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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