

204 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-20434-2021
Date of Decision: 28.05.2021

Himanshu Arora

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Gulzar Mohammad, Advocate,
for the petitioner.

Mr. B.S. Sewak, Additional Advocate General, Punjab.

Mr. Vipul Dharmani, Advocate,
for the complainant.

SUDIP AHLUWALIA, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure by the petitioner, seeking regular bail in case FIR No.182 dated 17.11.2019, under Sections 420/408/120-B/465/467/468/471/201 of the IPC, registered at Police Station Division No.6, District Jalandhar.

2. Seen the Custody Certificate of the petitioner sent up by Ld. State Counsel through e-mail, from which it transpires that he has remained in detention in the present case for a period of six months and two days, by now.

3. The petitioner's prayer for bail is nevertheless opposed on behalf of the complainant, whose Ld. Counsel submits that recovery of the huge quantity of ornaments has still not been effected and some other accused

persons are yet to be apprehended.

4. Be that as it may, considering the long detention undergone by the petitioner, this Court is of the opinion that his further incarceration which could be punitive in nature for an indefinite period of time at this stage is not called for, once the investigation against him has already been completed (*as observed in Supreme Court's decision in "Sanjay Chandra Vs. CBI" - Criminal Appeal No.2178 of 2011 (arising out of SLP (Crl.) No.5650 of 2011).*

5. Trial is likely to take its own substantial time to complete, particularly on account of the ongoing Covid-19 pandemic, as so far not even a single witness from the prosecution side has been examined. As such, without commenting any further on the merits of the present case as a whole, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on bail, subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Disposed off.

28.05.2021

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No