

CRM-M-60-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRM-M-60-2021 (O&M).
Decided on: August 23, 2021.**

Navneet Singh @ Nita

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Munish Puri, Advocate,
for the petitioner.**

Mr.Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.102 dated 24.11.2019, under Sections 324, 148 and 149 of IPC (Sections 307 and 326/34 of IPC added later on), registered at Police Station Division No.1, District Pathankot.

Reply filed by the State by way of affidavit of Mr.Rajinder Singh, DSP, City, Pathankot, is taken on record.

CRM-M-60-2021 (O&M)

Learned counsel for the petitioner has submitted that the petitioner is in custody since 26.2.2020 and he is facing incarceration for the last 1½ years. He has submitted that out of total 16 witnesses cited by the prosecution, two have already been examined. He has further submitted that it is a case where present FIR has been planted upon the petitioner because the background of the case is that, in fact, the complainant had teased the minor sister of the petitioner and therefore, the present FIR was falsely lodged against the petitioner. He has submitted that no recovery is to be made from the petitioner as the matter is at the trial stage and there is no other case against the petitioner.

Learned State counsel has submitted that it is not disputed that the petitioner is in custody for the last 1½ years and there is no other case against the petitioner and no recovery is to be effected from him. However, he has stated that in view of the grievous injuries, the matter is serious in nature and therefore, he has opposed the grant of bail to the petitioner.

I have heard the learned counsel for the parties.

The petitioner is in custody since 1½ years and he is not involved in any other case and no recovery is to be effected from him, at this stage. Trial of the case would take sufficiently long time and therefore, the case of the petitioner can certainly be considered for the grant of regular bail. It is not the case of the State that in case the petitioner is released on bail then he may influence any witness or tamper with evidence or may flee from justice.

Therefore, keeping in view the totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the 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 only for the purpose of decision of present petition.

August 23, 2021.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No