

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

212

**CRM-M-3338-2022
Date of decision: 16.05.2022**

GUNI CHAND ALIAS GADHIA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Amandeep Singh Jawandha, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 157 dated 15.06.2021 registered under Section 457 and 380 of the Indian Penal Code, 1860 at Police Station Lambi, District Shri Muktsar Sahib.

2. Learned counsel appearing on behalf of the petitioner contends that the petitioner is in custody since 16.10.2021 and has already undergone an actual sentence of 07 months in the present case. He further contends that no recovery has been effected from the petitioner in the instant case and that the trial has not yet commenced, even the charge in the instant case has not been framed. He submits that a final report was filed on 17.02.2022, and it is a magisterial trial. He

further contends that the trial is likely to take long time.

3. Learned counsel appearing on behalf of the State has pointed out that there are other cases that have been registered against the petitioner and that he has not yet been granted bail in a number of such cases. It is however not disputed by learned State Counsel, no recovery has been effected from the petitioner in the instant case and that the trial has yet not commenced even though the petitioner has been in custody for 07 months. Furthermore, the grant of bail in the instant case does not by itself entitle the petitioner to be released on bail.

4. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

5. Taking into consideration that it is a magisterial trial which has so far not commenced and that the petitioner has undergone an actual custody of 07 months and also the fact that no recovery is claimed to have been effected, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

6. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall

decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

MAY 16, 2022

<i>vishal sharma</i>	<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
	<i>Whether reportable</i>	:	<i>Yes/No</i>