

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

210

CRM-M-5248-2022

Date of Decision : **February 14, 2022**

SIKANDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. S.K.Dhanda, 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 for grant of regular bail to the petitioner in case FIR No.47 dated 20.4.2020 under Sections 452, 307, 427, 323, 506, 148, 149 IPC, Police Station Kabarwala, District Sri Muktsar Sahib.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 6.8.2021 and even as per the FIR, the allegations against the petitioner are that he was holding a sotta alongwith the other person but there is no role or injury attributable to the petitioner. He further submitted that infact the petitioner has been falsely implicated in the present case. He submitted that although the petitioner is involved in three more cases which has been mentioned in para No.12 of the petition but out of those three cases, in one case the FIR has already been quashed in the year 2016 and in the remaining the petitioner is on bail and he has not been declared as a proclaimed offender in any other case. He further submitted that since the investigation has already been completed by the police and the challan has been presented under Section 173 Cr.P.C. and no recovery is to be effected from the petitioner and the

trial of the case would take long time, the petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel has stated that it is correct that the petitioner is in custody from 6.8.2021 and the challan has been presented and now no recovery is to be effected from the petitioner. So far as the allegations against the petitioner is concerned, he was carrying a sotta alongwith him.

I have heard the learned counsels for the parties.

The petitioner is in custody from 6.8.2021 and the investigation of the case has already been completed. A perusal of the FIR would show that the allegations against the petitioner are that he was armed with a sotta but no injury has been attributable to the petitioner as per the FIR. 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 with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

(JASGURPREET SINGH PURI)
JUDGE

February 14, 2022

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No