

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

Sr. No204.

CRM No.M-11932 of 2022

DATE OF DECISION: September 07, 2022

NITISH SHARMA @ SONU

..PETITIONER

VERSUS

STATE OF PUNJAB

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sandeep Arora, Advocate, for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner is an accused in FIR No.103, dated 13.10.2018 registered at Police Station Hariana, District Hoshiarpur under Sections 382, 506, 34 IPC and Sections 379-B, 411 IPC added later on. He was granted regular bail vide order 29.01.2019 by this Court. During the pendency of the trial, he absconded and thus, the bail was cancelled. He was arrested after almost one year and eight months and has been in custody since. Thus, the present petition (second petition) has been filed.

Learned counsel for the petitioner submits that the petitioner has been in custody for more than one year and two months and the trial is not likely to be concluded at an early date as only 02 out of 13 PWs have been examined. One other criminal case has been registered against him under Section 21 of NDPS Act, 1985. Recovery of small quantity of 08

grams heroin was made from him and he has been granted regular bail therein. Keeping in view the custody as well as the fact that the trial is not likely to be concluded at an early date, the petitioner may be granted regular bail.

Custody certificate dated 07.09.2022 checked by the Jail Superintendent has been handed over in Court. The same is taken on record. A perusal thereof shows that the petitioner has been in custody for 01 year, 02 months and 09 days and there is one other criminal case pending against him.

Learned State counsel does not deny that the petitioner has been granted regular bail in other criminal case pending against him.

He also does not deny that only 02 PWs out of 13 PWs have been examined.

Thus, keeping in view the length of custody as well as the fact that the trial is not likely to be concluded at an early date, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

September 07, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No