

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

212

**CRM-M-12514-2022
Decided on :01.06.2022**

Sonu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Aayush Gupta, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The 2nd petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.0152 dated 31.07.2021 registered under Sections 379-B and 34 of the Indian Penal Code, 1860 (Section 311 of IPC, 1860 additional charge framed later on) at Police Station Jamalpur, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioner has submitted that in the present case, the petitioner is in custody since 31.07.2021 and challan has already been presented; that there are 9 witnesses, out of which only 2 witnesses have been examined and the trial is likely to take time to conclude. It is further submitted that the petitioner is not involved in

any other case and the recovery has already been effected.

It is submitted that the petitioner had earlier approached this Court and this Court vide order dated 10.01.2022 passed in CRM-M-45516-2021 had permitted the petitioner to withdraw the said petition, at that stage, with liberty to file fresh petition for grant of regular bail after the complainant in the present case is examined by the trial Court. It is submitted that the complainant-Ravi Kumar has been examined as PW-2 on 20.05.2022.

Learned State counsel, on the other hand, opposed the present petition for regular bail and has submitted that a mobile phone and a purse has been recovered from the present petitioner. The other facts have not been disputed by the State counsel.

This Court has heard the learned counsel for the parties and have perused the record.

The petitioner is in custody since 31.07.2021 and challan has been presented and there are 9 witnesses, out of which only 2 witnesses have been examined and thus, the trial is likely to take time. The petitioner is not stated to be involved in any other case. The petitioner had earlier filed a regular bail petition, which was withdrawn at that stage vide order dated 10.01.2022 and liberty was given to the petitioner to file a fresh petition after the complainant is examined by the trial Court in the case. The complainant-Ravi Kumar has been examined as PW-2 and the case is fixed for 02.06.2022. Keeping in view the above-said facts and the fact that after the passing of the order

dated 10.01.2022, the petitioner has undergone incarceration for a further period of more than four months, the petitioner entitled to file the present 2nd regular bail application.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

01.06.2022
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No