

**226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-18292-2022****Date of decision : 09.05.2022****Gurpreet Singh****....Petitioner****Vs.****State of Punjab****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. R.S.Sidhu, Advocate for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

*********MANOJ BAJAJ, J.**

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.37 dated 23.02.2022 registered under Sections 328 and 380 Indian Penal Code, 1860 (Section 411 IPC added later on) at Police Station Sangrur, District Sangrur, who is in custody since his arrest on 02.03.2022. During the pendency of the petition, the offence punishable under Section 120-B IPC was also added in the FIR.

The allegations as noticed by the learned Additional Sessions Judge, Sangrur in the order dated 29.03.2022 are as under:-

“As per the prosecution version, FIR was got registered on the basis of statement of complainant Naresh Kumar, who alleged that he is doing the business of tiles under the name and style of Balaji Marble on Patiala Road Sangrur. His marriage was solemnized with Shashi Bala in 2004. He has one son aged 17 years and one daughter aged 16 years. His parents are residing on ground floor while he is residing on the first floor. On 21.02.2022 at about 8:30 PM his wife Shashi Bala prepared Kheer Pura. He has given some kheer and Pure to his parents. His wife has taken out a portion of kheer and on asking for the reason for taking out a separate portion for herself, she replied that she will mix Shaker in the kheer and will consume later. At about 9:15 PM when he

and his children ate some kheer, he felt some different taste in the kheer. He enquired from his wife but she told that he is unnecessarily getting finicky and she consumed her kheer. Thereafter, he and his children had not eaten the kheer. After some time they slept. On 22.02.2022 at about 8:30 AM when he woke up he felt that his head is heavy and his children were sleeping. Then he saw that his wife Shashi Bala was not there and his mobile phone was also not there. He also found his parents were also sleeping. He woke up his parents and told that Shashi Bala is not in the house. They searched for her but she was not there and they saw that main door of their house was open and was bolted from outer side. When he checked the Almirah he found that 15 tolas of gold, around Rs.40,000/- and ladies suits as well his mobile phone were missing and Shashi Bala had stolen the abovesaid articles. Hence, FIR.”

Learned counsel for the petitioner has argued that the petitioner is not named in the FIR, who has been falsely implicated on the disclosure statement of co-accused-Shashi Bala, who has already been released on regular bail, therefore, the petitioner also deserves the same concession. In this regard, he has invited the attention of the Court to Annexure P-2 i.e. the order passed in respect of co-accused. According to him, investigation of the case is complete and challan stands also filed. He prays for bail.

On the other hand, learned State counsel assisted by ASI Manjit Singh does not dispute the above sequence and fairly states that case of the petitioner is at par with the co-accused, who has already been released on bail. He further submits that investigation of the case is complete, and final report stands filed on 28.04.2022, however, charges are yet to be framed.

After hearing learned counsel for the parties and considering the above background as well as petitioner's custody, and the fact that the trial is yet to commence, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner behind

the bars would not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned/Duty Magistrate.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

09.05.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No