

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

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CRM-M-39291-2021 (O&M)

Date of Decision: 18.04.2022

BALDEV SINGH @ HAPPY @ MUNSHI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.97 dated 05.08.2021 registered under Sections 379, 411, 465, 467, 468, 471, 473 and 120-B IPC, at Police Station Barnala, District Barnala.

Learned counsel for the petitioner submits that after completion of the investigation, the challan has only been presented under Sections 473 and 411 IPC; that the petitioner was arrested on 05.08.2021 and that the petitioner was granted interim bail by a Coordinate Bench of this Court on 19.01.2022, pursuant to which he was released from the custody on 23.01.2022. He further submits that the petitioner surrendered before the concerned Authorities on 23/24.03.2022 and that two co-accused, who have been indicted in the present case, on the basis of the disclosure statements, have already been granted the concession of anticipatory bail by the learned Sessions Court.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that, on the disclosure statement of the petitioner, recovery of three motorcycles was effected from him. He further submits that the petitioner is a habitual offender, inasmuch as, two more FIRs are registered against the petitioner; that post presentation of the challan, the charges are yet to be framed and that there are total 26 prosecution witnesses.

While controverting the aforesaid submission made by the learned State counsel, learned counsel for the petitioner submits that FIR No.383 dated 04.08.2021 was initially registered against the unknown person(s) and the petitioner was indicted in the said FIR, after his arrest in the present FIR and that in FIR No.88 dated 31.07.2021, the petitioner has not been arrested till date.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 05.08.2021. Co-accused have already been enlarged on bail by the learned Sessions Judge. Challan has only been presented under Sections 411 and 473 IPC. While on interim bail, the petitioner has not misused the said concession. Charges are yet to be framed and prosecution evidence is to commence. In FIR No.88 dated 31.07.2021, the petitioner has not yet been arrested and in FIR No.383 dated 04.08.2021, the petitioner was indicted after his arrest in the present FIR. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would

be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of both the sides, 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 learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

18.04.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No