

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

**CRM-M-38171-2022 (O&M)
Date of decision : 09.11.2022**

Vijay Kumar @ Jyoti

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vikram Jeet Singh, Advocate for
Mr. Manoj K. Sharma, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

CRM-39123-2022

Application for placing on record orders marked as Annexures A-1 to A-3, whereby the petitioner has been granted concession of bail and further exemption from filing certified copies thereof, is allowed subject to all just exceptions.

Annexures A-1 to A-3 are taken on record.

CRM-M-38171-2022

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0010, dated 12.01.2022, registered for offence punishable under Sections 379-B, 34 and 411 of IPC at Police Station Model Town, District Hoshiarpur.

2. Custody certificate has been produced, which is taken on record. As per the same, apart from the present FIR, the petitioner is facing 03 more cases i.e.:-

“(i) Fir No. 11/2022 dated 18/01/2022 U/s 380, 411, 454 IPC PS City Hoshiarpur.

(ii) FIR No.15/2022 dated 23/01/2022 U/s 399, 402 IPC and 25 Arms Act PS City Hoshiarpur.

(iii) FIR No.16/2022 dated 23/01/2022 U/s 22/61/85 NDPS PS City Hoshiarpur.

3. On the asking of the Court w.r.t. the evidence against the petitioner on the basis of which he stands nominated in all the four cases, Mr. Cheema submits that the petitioner was initially nominated in FIR No.15 dated 23.01.2022. In the said FIR, he suffered confessional statement and on the basis of confession made by him, he was nominated in the present case and FIR No.11/2022 dated 18.01.2022. So far as FIR No.16/2022 dated 23.01.2022 is concerned, the same was registered after psychotropic substance in the form of 14 injections without label were recovered from the possession of the petitioner.

4. Counsel for the petitioner submits that the petitioner is in custody since 16.04.2022. Challan already stands presented and the prosecution evidence has commenced. He thus submits that apart from the facts apparent on the records of the case which *prima facie* point towards his false implication, the petitioner shall be entitled for bail keeping in view the incarceration of more than 06 months already suffered by him.

5. Mr. Cheema is not in a position to dispute the factual assertion made by counsel for the petitioner. However, he denies that there is any false implication as the petitioner stands nominated on the basis of confession made by him.

6. Having heard counsel for the parties and after perusing the records of the case, keeping in view the incarceration suffered by the petitioner and the fact that the investigation already stands concluded and the challan stands presented, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

09.11.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No