

**107+212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-47819-2021 (O&M)

Date of Decision: 07.04.2022

Sukhjinder Singh @ Sukhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ishan Gupta, Advocate
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J.(ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.96, dated 01.06.2021 under Sections 323, 324, 506 and 34 of IPC, 1860 (Section 326 IPC added later on) registered at Police Station Sahnewal, District Ludhiana.

2. It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 27.08.2021 and challan in the present case has been presented after the completion of the investigation. He submitted that it is a case where earlier FIR was registered under Sections 323, 324, 506 and 34 of IPC, 1860 and the petitioner had furnished the bail bonds and it was thereafter that the offence was enhanced and Section 326 IPC was added but the police did not take any permission from the Court nor did they file an application seeking the arrest of petitioner and there was a violation of the law laid down by **Hon'ble Supreme Court in 'Pardeep Kumar versus**

State of Jharkhand; 2019 (3) R.C.R. (Criminal) 538' and therefore the

arrest of the petitioner was illegal. He submitted that now the challan has been

presented and the trial of the case would take long time and therefore he may be considered for the grant of regular bail.

3. On the other hand, Mr. R.S. Thind, learned DAG, Punjab has submitted that it is correct that earlier the petitioner had furnished bail bonds but after the enhancement of provisions of Section 326 IPC, no application was filed before the competent Court nor any permission was obtained.

4. I have heard the learned counsel for the parties.

5. The case of the petitioner appears to be covered by the law laid down by Hon'ble Supreme Court in Pardeep Kumar (supra). Even otherwise also, the challan has been presented after completion of the investigation and no recovery is to be effected from the petitioner as per the learned State counsel and the trial of the case would take long time.

6. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may abscond or he may tamper with any evidence or he may flee from justice or he may influence any witness.

7. Therefore, considering the totality of facts and circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is released on bail on his furnishing adequate bail/ surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Duty Magistrate, concerned.

8. It is made clear that the aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

April 07, 2022
Manpreet