

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

CRM-M-58727-2022

Date of decision : 22.12.2022

Sarabjit Singh alias Goldi

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Abhimanyu Batish, Advocate
for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.11 dated 06.02.2022 registered under Sections 379-A and 34 IPC at Police Station GRP Chandigarh, Chandigarh (U.T.).

2. Ld. Counsel for the petitioner submits that the Challan already stands presented and the petitioner is in custody since 7th of February, 2022 and has already suffered incarceration for more than 10 months and 14 days. No recovery is to be effected and thus, the incarceration pending trial cannot be used as measure of punishment without conviction.

3. Ld. State Counsel does not dispute the aforesaid factual assertions based on record.

4. Having heard counsel for the parties and after going through the records of the case, without going into the merits of the case and keeping in view that the report under Section 173 Cr.PC. stands filed,

nothing is required to be recovered from the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

5. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 22, 2022

Dpr

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No