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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52397-2019 (O&M)
Date of Decision:28.02.2022

Bhim Sain

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.136 dated 26.09.2013 registered under Sections 406/420 IPC at Police Station Passiana, District Patiala. The petitioner is in custody since his arrest on 15.07.2019.

Learned counsel for the petitioner submits that as per allegations, the petitioner had induced the complainant to part away with a sum of Rs.6 lacs on the promise of providing job to complainant. He further submits that though the petitioner was declared as proclaimed offender on 19.12.2017, but later on, he was arrested on 15.07.2019 and since then, he is in custody. He states that the offences are triable by Magistrate, therefore, his custody may not be necessary. He prays for bail.

Learned State counsel, assisted by ASI Raj Kapoor, while opposing the prayer does not dispute the facts narrated by learned counsel for the petitioner and further, on instructions, states that out of total fourteen prosecution witnesses, only six witnesses have been examined so far.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, as the trial is likely to consume considerable time to conclude, as still eight prosecution witnesses remain to be examined.

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

The petition is allowed.

28.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No