

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

CRM-M No.1588 of 2023
Date of decision: 27th February, 2023

Gurpinder Singh @ Pinder

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vivek Singla, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of the concession of bail in case bearing FIR No.0186 dated 27.11.2022 under Sections 379B, 382, 341, 323, 148, 149 IPC registered at Police Station Nathana, District Bathinda.

Learned counsel for the petitioner while inviting the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, submits that totally false allegations have been levelled therein that the petitioner along with three others waylaid the complainant and after putting him under threat, snatched his purse containing driving license and money, and also physically assaulted him. Learned counsel submits that there was a history of enmity between the parties which was one of the reasons behind the false implication of the petitioner. He submits that the innocence of the petitioner finds further credence from the fact that he has clean antecedents and is not involved in any other criminal case, much less a

case of similar nature. Learned counsel thus submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose, more so, when challan stands presented and the trial would take considerable time to conclude.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from HC Sukhpreet Singh has not disputed that challan stands presented. He, further submits that the next date fixed before the trial Court is 28.02.2023 when the charges are likely to be framed. Learned State counsel has however not been able to controvert that the petitioner does not have a criminal past and no criminal case is pending against him.

I have heard learned counsel for the parties and perused the relevant material on record.

In the facts and circumstances as enumerated hereinabove, coupled with the fact that the petitioner has now been in custody since 27.11.2022 and the trial is likely to take considerable time to conclude, this Court thus deems it fit to allow the instant petition. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 27, 2023

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No