

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(213)

CRM-M-1908 of 2023
DATE OF DECISION:-23.02.2023

Guddu Kumar alias Deepu

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. G. S. Verma, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.55 dated 25.02.2022 under Sections 379-B & 34 of the IPC, 1860 (later on added offence U/s 201 of IPC), registered at Police Station Sahnewal, District Ludhiana (Punjab).

Learned counsel for the petitioner submits that the investigation in the present case already stands concluded, however, charges have not been framed so far, whereas, the petitioner is behind the bars for a period of almost 7 months and 29 days. Learned counsel further submits that petitioner was named as an accused in the present FIR based on a disclosure made by co-accused Abhay Chohan whereas, no recovery has been effected from the petitioner. Thus, the petitioner deserves the concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that there are as many as 5 cases pending against the petitioner and thus, petitioner does not deserve the concession of regular

bail.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Considering the fact that the investigation in the present case already stands concluded with the filing of *challan* and the charges having not framed so far, considering the custody of the petitioner which is almost 7 months and 29 days by now, there is no justification for extending the incarceration of the petitioner particularly in view of the fact that he was named by co-accused with no recovery effected from him, thus, the petitioner deserves the concession of regular bail. As regards the pendency of the other cases against the petitioner as reflected by the State counsel towards his antecedents, it may be pointed out here that even as per the law laid down by the Hon'ble Supreme Court in case of **Maulana Mohd. Amir Rashadi Vs. State of U.P.**, reported as 2012 (1) RCR (Criminal) 486, primarily the role of the accused in the case in hand has to be seen.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

23.02.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No