

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

(212)

**CRM-M-3938-2023
Date of Decision: 31.01.2023**

Sunny Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vikas Bali, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner is seeking grant of regular bail pending trial in FIR No.294 dated 23.08.2022 registered under Sections 372 and 373 IPC at Police Station Urban Division No.7, District Ludhiana.

Learned counsel for the petitioner submits that even as per allegations leveled in the FIR, petitioner has no role to play except being a witness/signatory to the alleged agreement executed by father of the complainant namely Roshan Masih with one Man Bahadur. Learned counsel further submits that petitioner has already been behind the bars for past more than 5 months now and investigation stands concluded with the filing of *challan*. Learned counsel submits that charges have been framed on 24.01.2023 and the trial is likely to take some time and thus, the petitioner prays for grant of regular bail.

On the other hand, prayer made in the petition has been opposed at the instance of learned State counsel by submitting that petitioner along

ANIL KUMAR
2023.01.31 18:22 with father of victim namely Roshan Masih have tried to sell the minor
I attest to the accuracy and
integrity of this document

namely Priya Masih, aged 14 years to one Man Bahadur and as such, the 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.

In the present case, as per averment made in the FIR, the allegations against the petitioner are that he happens to be a signatory to an agreement executed between Roshan Masih i.e. father of the minor girl with one Man Bahadur. Apparently, the petitioner who is not related to the minor namely Priya Masih, has also no authority to enter into any such kind of agreement, even otherwise, the investigation in the present case has already been concluded, *challan* stands filed, petitioner is already behind the bars for the period of 5 months now, no useful purpose would be served to keep the petitioner behind the bars for any further period and as such, petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the case of either side, 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.

(HARKESH MANUJA)
JUDGE

31.01.2023
anil

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