

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.210-2

CRM-M-4353-2023 (O&M)

Date of decision : 29.03.2023

Harwinder Singh @ Harry

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashdeep Singh, Advocate, for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.0254 dated 24.09.2022, registered at Police Station Tanda, District Hoshiarpur, under Sections 379-B & 149 IPC, Section 25 of the Arms Act, 1959 (Sections 395 & 411 IPC added later on vide DDR No.25 dated 24.10.2022).

Learned counsel for the petitioner submits that the petitioner was nominated as an accused in the present case only on a disclosure of a co-accused. The petitioner was in custody on the date of the incident in FIR No.131 dated 13.10.2022, registered at Police Station D Division, Amritsar, under Sections 379-B & 34 IPC. It is thus, evident that the petitioner has been falsely implicated. He has been in custody for over 04 months and the trial is not likely to be concluded at an early date as charges have not yet been frmaed. Thus, the petitioner may be granted regular bail.

Custody certificate dated 28.03.2023 signed by Smt. Shyamal Jyoti, PPS, Addl. Superintendent, Central Jail, Amritsar has been filed in Court. The same is taken on record. A perusal thereof shows that the

petitioner has undergone actual custody of 04 months and 27 days and there is one other criminal case pending against him, in which, he is on bail.

Learned State counsel on instructions from ASI-Om Parkash concedes that examination of PWs has not yet started and that the petitioner was nominated as an accused on the disclosure made by a co-accused.

It is thus, evident that the trial is not likely to be concluded at an early date. The petitioner has been in custody for 04 months and 27 days and has been nominated as an accused only on the statement of a co-accused which is weak evidence. Taking all these facts cumulatively, I deem it appropriate to grant regular bail to the petitioner. The petition is allowed and it is directed that the petitioner be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(SUDHIR MITTAL)
JUDGE

29.03.2023
Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes

No