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

**CRM-M-16329-2023
Date of Decision: 07.07.2023**

Harpal Singh @ Labha

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Veer Pal Kaur, Advocate,
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.08 dated 10.01.2022, under Section 379-B IPC and Section 25 of the Arms Act, registered at Police Station Kamboj, District Amritsar Rural.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 21.01.2022 which is for more than 2 years & 5 months and even till date charges have not been framed. He further submitted that it is a case where even otherwise the allegations were with regard to snatching of Rs.30,000/- and a mobile phone. He also submitted that the petitioner was falsely implicated in the present case only because he was earlier involved in some other case. He further submitted that there is no justification as to why the trial is not progressing. He further submitted that since the charges have not been framed till date and the petitioner had

already suffered incarceration for 2 years and 5 months, therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Rajiv Verma, learned DAG, Punjab stated that so far as the custody of the petitioner is concerned, the same is correct and also submitted that it is also correct that the charges have not been framed till date, but has opposed the bail on the ground that the petitioner is involved in 4 more cases of similar nature.

4. I have heard the learned counsel for the parties.

5. The petitioner has faced incarceration for a period of 2 years & 5 months and as per the learned counsel for the parties, even the charges have not been framed till date. Although the petitioner is stated to be involved in 4 more cases but considering the aforesaid factual position, the pendency of the other cases cannot become a ground for denial of bail to the petitioner. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence.

6. Therefore, in view of the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the

purpose of decision of present petition.

07.07.2023 (JASGURPREET SINGH PURI)
Bhumika JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |