

227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7008-2023
DECIDED ON: 14st FEBRUARY, 2023

TARSEM LAL

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Onkar Singh Batalvi, Advocate with
Mr. Damanjeet Singh Batalvi, Advocate
for the petitioner.

SANDEEP MOUDGIL, J. (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 81, dated 02.09.2022, under Sections 302, 307, 365, 148 and 149 IPC and Sections 202, 204, 212 and 216 IPC added later on vide rapat No. 35, dated 15.12.2022, registered at Police Station Sadar Pathankot, District Pathankot.

Learned counsel for the petitioner has contended that initially FIR was registered against the unknown persons and the name of the petitioner and other co-accused were added thereafter. It is asserted that no allegation is alleged to have been made against the petitioner by the complainant in his statement. The assertion is that there are 9 accused and inquiry has been conducted by the Superintendent of Police, Investigation, Pathankot. It is further asserted that even as per challan there is no direct evidence against the

petitioner

He also relied upon the orders of this Court dated 01.02.2023 and 10.02.2023 respectively passed in CRM-M-4235-2023 and CRM-M-6259-2023 whereby, the co-accused of the petitioner namely Naresh Thakur and Mohit Kumar have been granted the concession of regular bail.

Notice of motion.

On the asking of Court, Mr. Mohit Kapoor, Addl. AG, Punjab accepts notice on behalf of respondent-State, who has produced the custody certificate of the petitioner today in Court, which is taken on record. According to which, the petitioner is behind bars for the last 5 months and 9 days and admittedly is not involved in any other case of any nature.

Considering the afore-said facts and the custody period undergone by the petitioner and apart from the facts that the co-accused of the petitioner have already been granted the concession of regular bail and challan stands presented, this Court is of considered view that no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

14th FEBRUARY, 2023
sham

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>