

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

107+214

2023:PHHC:129816

CRM-41859-2023 in/and
CRM-M-8220-2023

Date of decision: October 6th, 2023

Ashok Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-41859-2023

Prayer in this application is for placing on record the
copies of documents as Annexures P-4 to P-6.

Application is allowed subject to just exceptions.

Annexures P-4 to P-6 are taken on record.

CRM-M-8220-2023

The petitioner is seeking the concession of bail under
Section 439 of the Code of Criminal Procedure, 1973 in case
FIR No.105 dated 03.03.2021 under Sections 177, 199, 200, 419, 420,
465, 467, 468, 471 and 120-B of the IPC registered at Police Station
Division No.5, Ludhiana.

2. Learned counsel for the petitioner contends that allegedly
one Avtar Singh stood as surety for the petitioner in one of the cases,
which already stand registered against him. However, later on it came
to the fore that some person had impersonated said Avtar Singh.

Learned counsel, *inter alia*, contends that the petitioner has been falsely implicated in the case in hand and it was on the basis of a disclosure statement made by one of the co-accused Surjit Singh Walia that the petitioner was nominated as an accused in the case in hand. It has also been submitted that identically placed three co-accused have been extended the concession of bail by this Court vide orders dated 19.04.2022, 05.07.2023 and 20.07.2023 (Annexures P-3 to P-5 respectively). He submits that the petitioner has been in custody since 24.06.2021 and till date only two prosecution witnesses out of the 11 cited have been examined. Hence, there is no likelihood of the trial concluding in the near future. Therefore, further incarceration of the petitioner would serve no useful purpose.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, submits that as per instructions received, the petitioner is an Advocate and a number of cases of similar nature are pending against him. It has been submitted that two co-accused are still at large. Learned State counsel, on instructions, has further submitted that the petitioner is part of a gang, which is involved in similar cases.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 24.06.2021. There is no likelihood of the trial concluding in the near future as nine prosecution witnesses still remain to be examined. Identically placed co-accused i.e. Surjit Singh Walia, Karanveer Singh alias Karan Walia and Rishab Banipal alias Nannu have already been extended the concession of bail by this Court.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

October 6th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No