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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 11636-2023 (O&M)
Date of Decision: 19.04.2023

Pawan Kumar alias Utt

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Raj Kumar Arya, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 112 dated 24.10.2021, under Section 379-B IPC registered at Police Station Taragarh, District Pathankot.

Learned counsel for the petitioner contends that the petitioner is in custody since 05.11.2022. He submits that the petitioner has been falsely implicated in the present case as he is neither named in the FIR nor any recovery has been effected from him rather he has been implicated in the present case on the basis of his own disclosure statement made while in custody in some other FIR. He submits that the petitioner has already been allowed bail in the said FIR, which order has been annexed as Annexure P-2. He further submits that the challan stands presented and the charges have

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and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Learned counsel for the respondent-State, on instructions from SI Hem Raj, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature, however does not dispute the fact that the challan stands presented and the charges have been framed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 05.11.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

19.04.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No