

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

CWP-14433-2023

Date of decision : 27.03.2023

Manjit Singh

..... Petitioner

versus

State of Pujab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Deepak Arora, Advocate
for the petitioner.

Mr. Sehajbir S. Aulakh, AAG, Punjab.

PANKAJ JAIN, J.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.38, dated 07.04.2022, registered for offences punishable under Sections 465, 482 and 483 of IPC, registered at Police Station Shahpur Kandi, District Pathankot.

2. Petitioner herein was earlier ordered to be admitted to regular bail keeping in view the incarceration of more than 07 months suffered by him and the fact that the investigation already stands concluded vide order dated 08.12.2022, which reads as under:-

“This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.38 dated 07.04.2022 registered under Sections 379-B/420/467/468/170/171/120-B IPC at Police Station Shahpur Kandi, District Pathankot.

Status report dated 04.12.2022 by way of affidavit of Rajinder Singh, PPS, Deputy Superintendent of Police (Dharkalan), Pathankot on behalf of State has been filed. The same is taken on record.

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Counsel for the petitioner submits that from bare perusal of the allegations as levelled in the FIR, no offence against the petitioner is made out. The petitioner is in custody since 07.04.2022. Investigation is complete as the report under Section 173(2) Cr.P.C. already stands presented and the charges stand framed. He further submits that the regular bail filed by the petitioner before the Courts below was rejected without application of mind so much so factually wrong findings have been recorded to the effect that on the date of FIR, the petitioner was dismissed from the service and was taking innocent persons to deserted road to snatch the amount from them. He contends that on the said date i.e. prior to the alleged occurrence the petitioner was well in service and was put in suspension only thereafter on the same day.

Per contra learned State counsel does not dispute the aforesaid factual assertions made by learned counsel for the petitioner based on record. However, he submits that the allegations levelled against the petitioner are serious in nature and keeping in view that the petitioner is an official in a disciplined force, the allegations assume significance.

I have heard learned counsel for the parties and have gone through the records of the case.

Keeping in view the fact that the investigation already stands concluded and the charges stand framed and the incarceration of more than 7 months already suffered by the petitioner, the present petition is allowed.

The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.”

3. Counsel for the petitioner submits that however the offences punishable under Sections 465, 482 and 483 IPC have been added necessitating the filing of the present bail petition to seek regular bail under them.

4. State counsel does not dispute the fact that addition of offences punishable under Sections 465, 482 and 483 IPC will not have an effect of

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taking away the factum of incarceration already suffered by the petitioner in view of which he was admitted to bail earlier.

5. In view of the above, present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned in FIR No. 38 dated 07.04.2022 registered under Sections 379-B/420/467/468/170/171/120-B IPC (Sections 465, 482 and 483 IPC added during the stage of investigation) at Police Station Shahpur Kandi, District Pathankot.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

27.03.2023

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No