

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

CRM-M-15959-2023

Date of Decision:-11.12.2023

Prijan Kumar @ Prinjan & Anr.

.....Petitioners.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Harneet Singh Oberoi, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.75 dated 26.11.2020 under Sections 436, 427 IPC registered at Police Station Rawalpindi, District Kapurthala.

2. The present FIR came to be registered at the instance of Sarjinder Singh who stated that on 24.11.2020 he found that a cracker noise was coming from his Haveli and a fire had broken out. On coming out of his house he saw that his white colour Innova Car had been engulfed in fire along with other articles. Some unknown person had scaled the wall of his Haveli and had put on fire the car along with other articles.

During the course of investigation on 02.12.2020 the complainant suffered a supplementary statement that he had come to know that the persons who had put on fire the goods lying in the Haveli were Prinjan and Sunny (petitioners).

The petitioners were declared proclaimed offenders on 17.08.2021. However, thereafter they came to be arrested and a supplementary challan was submitted against them on 28.02.2023.

3. The Counsel for the petitioners contend that the petitioners have been falsely implicated in the present case. They were not named in the FIR and their names came up in the supplementary statement of the complainant. There was absolutely no motive for them to have committed the offence in question. As they were in custody since 19.09.2022 and only 01 out of the 14 prosecution witness had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and, therefore, they were entitled to the concession of bail even though they had other cases pending against them.

4. The Counsel for the State on the other has filed status report by way of affidavit of Mr. Jaspreet Singh, DSP, Sub Division Phagwara, Kapurthala, which is taken on record. While referring to the status report, he contends that serious allegations have been levelled against the petitioner and, therefore, they were not entitled to the concession of bail. He also contends that both the petitioners had criminal antecedents with other cases having been registered against them. Therefore, they were not entitled to the concession of bail. He however concedes that the petitioners are in custody since 19.9.2022 and only 01 of the 14 prosecution witnesses has been examined so far.

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

6. The veracity of the prosecution case shall be adjudicated upon during the course of the Trial. Admittedly, the petitioners are in custody since 19.09.2022 and only 01 out of 14 prosecution witnesses has been examined son far. Therefore, the Trial of the present case is not likely to be

concluded anytime soon. In this situation, their further incarceration is not required even though they are accused in other cases.

7. Thus, without commenting on the merits of the case, the petitioners-**Prijan Kumar @ Prinjan** son of Sh. Surinder Kumar and **Surinder Singh @ Surinder Kumar @ Sunny Balmikia** son of Sh. Malkit Singh are ordered to be released on bail subject to their satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that they are not involved in any other crime other than the cases mentioned in their respective custody certificates.

9. In addition the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.1,00,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from the trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 11, 2023

Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No