

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

**CRM-M-16082-2023
Decided on:-12.04.2023**

Keshav Khara @ Kaku

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Umesh Aggarwal, Advocate,
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA J. (Oral)

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail pending trial in case FIR No.137 dated 22.04.2022, under Sections 379-B, 406, 120-B IPC and Sections 25/27/54/59 of Arms Act, 1959, registered at Division B Amritsar.

The allegation against the petitioner in the FIR is of having snatched bag carrying cash from Abhishek Aneja, who was working as Cashier/salesman with complainant, namely Parmod Gupta.

Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of challan on 19.12.2022, however, none of the prosecution witnesses has been examined so far and the custody period of the petitioner is more than 9

months. He further submits that co-accused, namely, Abhishek Aneja, who was the facilitator in the entire incident has already been granted the concession of bail by the court of learned Additional Sessions Judge, Amritsar vide order dated 05.07.2022.

On the other hand, prayer made herein has been opposed while referring to the antecedents of the petitioner against whom 5 other cases were registered, out of which, in 01 case, he already stands acquitted, whereas in remaining 04 cases, the trial is going on.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Once the investigation stands concluded with the filing of challan and the petitioner is already behind the bars for the last 9 months, besides it, none of the prosecution witnesses having been examined so far, the trial is likely to take some time, above all, the co-accused namely Abhishek Aneja, who in fact in the present circumstances appears to be the master-mind being employed with the complainant as Cashier/Salesman has been granted the concession of bail by the court of learned Additional Sessions Judge, Amritsar, thus there does not appear to be any justification to extend the incarceration of the petitioner any further. Moreover, in the facts and circumstances of the present case, de-hors the pendency of other cases against him as the allegations levelled against the petitioner in the present FIR are to be primarily seen for the consideration of the regular bail, at this stage, without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is

ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

12.04.2023
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No

(HARKESH MANUJA)
JUDGE