

CRM-M-18097-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18097-2023

Decided on:-21.04.2023

Sajjan Gill @ Ghanti

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Lakhwinder Singh Mann, Advocate,
for the petitioner.

Mr. Amit Shukla, AAG, Punjab,
for the respondent-State.

HARKESH MANUJA J.

Present petition has been filed under Section 439 Cr.P.C. seeking regular bail pending trial in case FIR No.143 dated 11.06.2022, under Sections 458, 392, 397 IPC and Section 25 of the Arms Act, 1959 (later on Section 25 of the Arms Act was deleted and Sections 411, 201 IPC have been added), registered at Police Station Shahkot, District Jalandhar Rural.

As per the allegations in the FIR, three unknown persons entred the house of the complainant and took away 09 tolas gold, two silver bangles, case of Rs.25000, one LCD and DVR.

Learned counsel for the petitioner submits that the petitioner has been implicated on the basis of disclosure made by co-accused Varshdeep, who was arrested in some another FIR. He further submits that the petitioner is a first offender and there is no other case pending against

him. He also submits that petitioner is behind the bars for the last 8 months and 19 days and the investigation in the present case already stands concluded with the filing of challan on 28.09.2022 but so far charges have not been framed. He further points out that the co-accused of the petitioner, namely, Rajinder Kumar has already been granted the concession of regular bail by this Court vide order dated 27.01.2023 passed in CRM-M-53238-2022.

On the other hand, learned State counsel opposes the prayer made in the present petition by submitting that there are serious allegations levelled against the petitioner.

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.

The petitioner appears to be a young boy of 22 years of age, against whom, there is no other case pending besides the present FIR, in which, investigation already stands concluded, challan presented and proceedings are pending for consideration on charges. It has been brought to the notice of this Court that there are total 14 witnesses cited by the prosecution in the challan and the recording of their statements is definitely going to take some time. More than that, petitioner is behind the bars for the last 08 months and 19 days, who was apprehended on the disclosure statement of one of his co-accused, thus, no useful purpose is going to be served by extending his incarceration.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner is ordered to be

released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

21.04.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No