

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.20425 of 2023
Date of decision: 2nd May, 2023

Suraj Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Preetinder S. Ahluwalia, Advocate for the petitioner.
Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of regular bail in case bearing FIR No.432 dated 20.11.2021 under Sections 199, 205, 419, 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Division No.5, District Ludhiana.

Learned counsel for the petitioner submits that in a Magisterial trial, the petitioner has now been in custody for close to one year, having been arrested on 22.05.2022, and all the material witnesses out of the 11 prosecution witnesses cited, have been examined. He further submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose.

While drawing the attention of this Court to the testimony of PW-2 ASI Sukhpal Singh, which has been annexed as Annexure P-4, learned counsel has submitted that it had been admitted by the said witness that on the day when the crime in question was committed, the petitioner was already in custody in some other case. He submits that in the circumstances, the petitioner could not have participated in the crime in question.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that the petitioner in connivance with the co-accused had played a fraud upon the Court by forging certain documents while furnishing bail bonds and surety. However, he was unable to controvert the submission made by the counsel opposite that on the day when the crime in question took place, as per the deposition of PW-2 ASI Sukhpal Singh, the petitioner was indeed in custody in some other case.

I have heard learned counsel for the parties and perused the relevant material on record.

In the facts and circumstances as enumerated hereinabove, since all the material witnesses stand examined in a case of Magisterial trial, there is no apprehension of the petitioner trying to influence or tamper with the evidence, coupled with the fact that the trial shall take considerable time to conclude, this Court deems it fit to extend the

concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 2, 2023
rps

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