

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.26385 of 2023
Date of decision: 7th August, 2023

Atul Pandey @ Badal @ Jagbir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurbir S. Sandhu, Advocate for the petitioner.
Mr. I.P.S. Sabharwal, Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.139 dated 10.06.2020 under Sections 328, 380, 392, 482 IPC registered at Police Station Adampur, District Jalandhar Rural.

2. Learned counsel for the petitioner inter alia submits that the allegations levelled in the FIR in question are patently false as a perusal of the same reveals that it was registered against unknown persons. He submits that the petitioner came to be nominated as an accused much later, in a statement made by the victim Baba Mahant Tarsem Singh, wherein he had just alleged that the petitioner had slapped him. Learned counsel further submits that even otherwise, there is no MLR on record, from which it can be discerned that the victim Baba Mahant

Tarsem Singh had been inflicted any injuries by the petitioner. He submits that the petitioner has now been in custody for more than three years, having been arrested on 12.06.2020 and both the material witnesses i.e. the complainant as well as victim Baba Mahant Tarsem Singh stand examined, and hence, in the circumstances, further incarceration of the petitioner would serve no useful purpose as there can be no apprehension that he would try to influence the witnesses to depose in his favour.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Pritpal Singh, has submitted that no doubt there was no MLR on record and no injuries have been attributed to the petitioner by the victim, however, the petitioner along with his co-accused had drugged the victim and thereafter, indulged in loot of his Dera. It has also been submitted by the learned State counsel that two FIRs under Section 52-A of the Prisons Act stand registered against the petitioner.

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

5. The petitioner has been in custody since 12.06.2020 and as many as 11 prosecution witnesses still remain to be examined. As not disputed by the learned State counsel, both the material witnesses already stand examined. In the facts and circumstances as enumerated hereinabove, coupled with the long custody period of the petitioner and also the fact that the trial shall take considerable time to conclude, this

Court thus 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 observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

August 7, 2023
rps

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