

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26944-2023
Date of Decision: May 31, 2023

ASHWANI KUMAR Petitioner
Versus
STATE OF PUNJAB Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Aditya Dassaur, Advocate for the petitioner.
Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition, the petitioner prays for grant of regular bail in case FIR No.36 dated 30.03.2022 under Sections 420, 406, 120-B of IPC, 1860 (Sections 379-B, 467, 468, 482, 170 and 171 IPC added later on) registered at Police Station Shahpur Kandi, District Pathankot (Punjab).
2. Learned counsel for the petitioner submits that petitioner is behind the bars for the last more than 1 year and 1 month. He further submits that petitioner was never named in the FIR and was implicated on the basis of his own disclosure statement made before the police in one another FIR i.e. FIR No.38 dated 07.04.2022. He further submits that the investigation has already been concluded and challan stands filed and the matter is now listed for recording of prosecution evidence after framing of charges.
3. On the other hand learned State counsel has opposed for grant of regular bail to the petitioner on the ground that there are other cases of similar nature registered against the petitioner.

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4. I have heard learned counsel for the parties and gone through the paper book.

5. In the present case, the petitioner has not been named in the FIR and he has remained behind the bars for the last more than 1 year and 1 month. Petitioner was implicated only on the basis of disclosure statement made by him before the investigating agency, however, no recovery has been effected from him and investigation has already been concluded. Challan stands filed and matter is now listed for recording of prosecution evidence after framing of charges, whereas, out of 9 witnesses, none has been examined so far. Trial is likely to take long time and there does not appear to be any plausible reason to keep the petitioner behind the bars for indefinite period.

6. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, 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.

31.05.2023

tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>