

S. No.218

2023:PHHC:135902

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

CRM-M-29496 of 2023

Date of Decision:18.10.2023

Rinku

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Deepak Gupta, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.60 dated 14.06.2022 registered under Sections 420, 506, 120-B IPC at Police Station Smalsar, District Moga.

Short reply by way of affidavit of Shri Jasjyot Singh, Deputy Superintendent of Police, Sub Division Baghapurana, District Moga, has been filed on behalf of the respondent – State. Custody certificate has also been placed on record, which reveals that petitioner is in custody for the last 01 year and 03 months, though he is also involved in other cases as per the details given in the custody certificate.

Learned counsel for the petitioner contends that case in question is triable by Magistrate and despite the fact that charges were framed way back on 18.10.2022, not even a single witness has been examined so far.

Learned State Counsel does not dispute the afore-said fact that after framing of the charge on 18.10.2022, not even a single witness has been examined so far out of 12 witnesses cited by the prosecution and he also concedes that case is triable by the Magistrate.

In view of the afore-said, petitioner becomes entitled to bail as per Section 437(6) Cr.P.C. Therefore, without commenting upon merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

October 18, 2023

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No