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

CRM-M-30605-2022 (O&M)

Date of decision : 01.02.2023

Shiva

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Charanpreet Singh, Advocate for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the second petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in FIR No.232 dated 24.09.2021 registered under Sections 379-B, 411, 420, 473 of Indian Penal Code, 1860 at Police Station Division No.3, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 24.09.2021 and there are 19 prosecution witnesses, out of which, only one witness has been partly examined and thus, the conclusion of trial is likely to take time. It is further submitted that earlier bail application of the petitioner was withdrawn at that stage

on 13.05.2022 and even thereafter, more than eight months have elapsed and yet no substantial progress has been made in the trial. It is contended that in the present case, FIR was registered on the basis of secret information and the complaint has been made by Gurjit Singh who is a police official. It is further contended that co-accused of the petitioner namely, Gautam, who was also stated to be one of the co-accused indulging in theft, has been granted the concession of regular bail by Coordinate Bench of this Court vide order dated 14.12.2021. It is argued that the petitioner is not involved in any other case.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that on the basis of secret information, the petitioner and other co-accused were apprehended and from the petitioner, recovery of seven mobile phones, one dattar and Aactiva Honda with fake number plate have been effected. However, the other facts have not been disputed by him.

This Court has heard learned counsel for the parties and has perused the paper book.

Keeping in view the abovesaid facts and circumstances more so the facts that the petitioner is in custody since 24.09.2021 and out of 19 prosecution witnesses, only one witness has been partly examined and thus, the conclusion of trial is likely to take time and also the fact that the petitioner is not involved in other cases and that the present case was registered on the basis of secret information and also the fact that recovery has already been effected from the present petitioner and thus,

no useful purpose would be served by further keeping the petitioner behind the bars, 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 trial Court/Duty Magistrate, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid judgment.

01.02.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No