

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-32276-2023

Reserved on: 08.08.2023

Pronounced on: 17.08.2023

Furman Ali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

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

Mr. Digvijay Nagpal, AAG, Punjab.

VIKAS SURI, J.

1. This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.2, dated 03.01.2023, under Sections 379-B (2) and 34 IPC (Section 411 was added later on) registered at Police Station Verka, District Police Commissionerate, Amritsar.

2. Learned counsel for the petitioner, while praying for grant of regular bail, would contend that the petitioner was not named in the FIR. He contends that the matter stands investigated, challan stands presented and charges have been framed, thus, custody of the petitioner would no longer be required. Petitioner is in custody since 19.01.2023 and the trial in the case will take some time as the same is now fixed for 19.09.2023 and only one prosecution witness has been examined till date.

He also contends that one co-accused of the petitioner, namely Sony, has been granted the benefit of regular bail by this Court vide order dated 30.05.2023 passed in CRM-M-26503-2023.

3. On the other hand, learned State counsel opposes the grant of regular bail to the petitioner referring to seriousness of the allegations. He has placed on record custody certificate of the petitioner dated 07.08.2023, which is taken on record. However, he is not in a position to dispute the fact that charges stand framed and only one prosecution witness examined till date and now the trial is fixed for 19.09.2023.

4. I have heard learned counsel for the parties and keeping in view the fact that the petitioner is in custody since 19.01.2023 and the matter stands investigated, challan presented, charges framed and only one prosecution witness examined till date as also one co-accused has been granted the benefit of regular bail by this Court and also petitioner is not required in any other case, his further custody would not be justified.

5. Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

6. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

August 17, 2023
Harish

(VIKAS SURI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No