

CRM-M-34653-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-34653-2023
Date of Decision: 06.11.2023

Gursewak Singh Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.132 dated 12.07.2022, under Sections 420 & 120-B IPC registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody for 6 months and 27 days and now the investigation of the case has been completed and thereafter, the challan has also been presented. He further submitted that the allegation against the petitioner was that he had extorted money from the complainant on the ground that he will double the money and taken Rs.6 lacs from him. He also submitted that the present is a case which is triable by the Magistrate and

the trial of the case may take long time. He also submitted that the petitioner is not a habitual offender and is not involved in any other case and considering the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. H.S. Sitta, learned DAG, Punjab has stated that it is correct that the petitioner is in custody for 6 months and 27 days and is not involved in any other case. He further submitted that it is also correct that the investigation of the case has been completed and challan has also been presented before the competent Court.

4. I have heard the learned counsels for the parties.

5. The present is a case which is triable by the Magistrate and the petitioner has already faced incarceration for a period of 6 months and 27 days. The police has already completed the investigation and thereafter, challan has also been presented before the competent Court. The petitioner is stated to be having clean antecedents and is not involved in any other case. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence.

6. Therefore, in view of the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

06.11.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No