

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

218

CRM-M-34234-2023

Date of Decision :-21.07.2023

Mukesh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

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

Mr. Anmol Singh Sandhu, AAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.240 dated 06.08.2020 registered under Sections 317, 315 and 34 of the IPC at Police Station Division No.6, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner is behind the bars for the last approximately three years and the total punishment envisaged under law for the offence is minimum of three years to maximum of seven years whereas, the petitioner has already undergone minimum punishment provided qua the allegations despite the fact that the said allegation alleged against him are yet to be proved during the trial.

Learned counsel for the petitioner further submits that as of now, out of the total 22 cited witnesses, only 03 witnesses have been examined and the trial is likely to take some time before it concludes hence, the petitioner may kindly be extended the concession of regular bail.

Learned State counsel concedes the factum that out of the total

22 cited witnesses, 03 witnesses have been examined but submits that the allegations alleged against the petitioner are serious in nature.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of the present case that the petitioner being an undertrial has already completed minimum of punishment envisaged for the offence despite the fact that the allegations alleged against him are yet to be proved during the trial and keeping in view the status of the trial that out of the total 22 cited witnesses, only 03 witnesses have been examined so far, the trial is likely to take some time before it concludes, no useful purpose will be achieved by keeping the petitioner behind the bars during the entire period of trial especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 21, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No