

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

220

2023:PHHC:118404

CRM-M-34605-2023

Date of decision: September 11th, 2023

Deepak Bansal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Shehbaz Thind, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0031 dated 16.02.2023 under Sections 408, 411 of the IPC and added offence under Section 381 of the IPC registered at Police Station Division No.8, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioner submits that the petitioner has now been in custody since 22.02.2023 and investigation in the case in hand is complete as the challan stands presented. It has also been submitted that even as per the challan, which has been presented, the jewellery which had been allegedly stolen by the petitioner from the shop where he was employed, has since been recovered by the investigating agency. Learned counsel submits that in the circumstances, his further incarceration would serve no useful purpose as the trial would take considerable time to conclude, more so since charges have not yet been framed.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the

investigation in the case in hand is complete as final report under Section 173 (2) Cr.P.C. stands presented. He, however, submits that the next date fixed before the trial Court is 22.09.2023, when the charges are likely to be framed. It has also been informed that as many as 11 prosecution witnesses have been cited by the prosecution.

On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, he on instructions from ASI Avtar Singh, has replied in the negative.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has been in custody since 22.02.2023 for offences triable by a Magistrate. The trial shall take considerable time to conclude as charges are yet to be framed.

In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 11th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No