

AFZAL ABDULLAH KHAN

V/s

STATE OF PUNJAB

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Mr. S.S. Aulakh, AAG, Punjab.

HARKESH MANUJA J. (ORAL)

1. By way of second petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial in case FIR No.0089 dated 12.06.2022, under Sections 384 and 506 IPC, registered at Police Station Division No.2, Ludhiana, District Ludhiana, Punjab.
2. The allegations levelled against the petitioner are that he along with his co-accused demanded Rs.10,00,000/- from the complainant, projecting themselves to be the members of “Lawrence Bishnoi and Goldy Brar group” and threatened to kill him.
3. Learned counsel for the petitioner submits that the petitioner is in custody for the last more than 1 year and 1 month now, and the

investigation in the present case already stands concluded with the filing of challan, however, charges have not been framed so far, thus, the trial is likely to take some time. He further submits there is no other criminal case pending against the petitioner except the present one. He still further submits that co-accused namely Shakti Singh has already been granted the concession of bail by this Court on 14.07.2023 in case bearing No.CRM-M-27314-2023 titled as *Shakti Singh Vs. State of Punjab*.

4. On the other hand learned State counsel opposes the prayer made on behalf of the petitioner while submitting that there are serious allegations against the petitioner.

5. On a specific query put to learned State counsel, he on instructions from ASI Surjit Singh submits that even the person to whom the alleged account No.20473485099 and IFSC Code SBIN-0018520 belongs, his statement has not been recorded by the police during the investigation.

6. I have heard learned counsel for the parties and gone through the papers book. I find substance in the submissions made on behalf of the petitioner.

7. Considering the fact that the petitioner is not involved in any other criminal case and moreover co-accused has also been granted bail by this Court on 14.07.2023, besides, the petitioner being behind the bars for the last 1 year & 1 month by now, the investigation in the present case already stands concluded with the filing of challan on 13.08.2022, the charges having not been framed so far, I do not find any reason to extend the incarceration of the petitioner any further.

8. Without commenting anything on the merits, lest it may prejudice the trial, 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 concerned learned trial Court/Duty Magistrate.

27.07.2023
manisha

(HARKESH MANUJA)
JUDGE

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