

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36959-2023 (O&M)

Date of Decision: 09.08.2023

Parkash Kumar Gupta

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.122 dated 22.12.2022 registered under Sections 379-B(2) and 34 of IPC at Police Station Division No.1, District Police Commissionerate, Ludhiana.

As per the complainant, at about 3.00 p.m. on 22.12.2022, the complainant was standing at Railway Station to go back to his village. Since the train was running late, he went to the liquor vend near railway station and two unknown persons came there. One of the accused caught hold of his arms and the second person forcibly snatched his purse and squeezed his neck. The purse contained Rs.6,700/- in cash and one Aadhar Card of the complainant. The complainant raised alarm and on hearing his alarm, several persons gathered at the spot and caught both the accused at the spot. On inquiry by the public, they disclosed their names and addresses as Maninder Singh @ Mintu son of Jagsir Singh, resident of House No.9368, Stgreet No.07, Joshi Nagar,

Haibowal, Ludhiana and Parkash Kumar Gupta @ Deepak son of Shyam Ji Gupta, resident of Ayali Kalan, Ludhiana. In the meantime, the police arrived at the spot and both the accused were ordered to be arrested.

Learned counsel for the petitioner contends that the complainant and the petitioner are migrant labourers and there was a money dispute between both of them. So, by twisting the facts, the complainant got the present FIR registered against the petitioner wrongly. Learned counsel further contends that he was arrested in the present case on 22.12.2022 and is in custody for the last about 8 months. He further contends that the next date of hearing is fixed on 21.08.2023 for framing of charges and conclusion of the trial may take quite a long time. Learned counsel further submits that there is one more case against the petitioner, but he is on bail in the said case.

On the other hand, learned State counsel has opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner was apprehended at the spot and serious allegations have been levelled against him.

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

It is not in dispute that the petitioner is in custody since 22.12.2022 in the present case and is incarcerated for the last about 8 months. Even the charges against the petitioner are yet to be framed by the learned trial Court and the conclusion of the trial may take a considerable long time.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty

Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall appear before the learned trial Court on each and every date of hearing and shall not absent during the course of trial, without prior permission of the trial Court.*
- (iii) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*

Pending application, if any, is also disposed of.

09.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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