

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CRM-M-40363 of 2020
DATE OF DECISION:-10.02.2023

Sunil Dutt

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gautam Dutt, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of bail pending trial in case FIR No.184 dated 02.10.2020 under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Cantonment Amritsar (Annexure P-1).

Learned counsel for the petitioner submits that investigation in the present case already stands concluded with the filing of challan on 21.01.2021 and as such further incarceration of the petitioner will not serve any purpose. Besides it, he also submits that even majority of the persons who have been indicted as an accused in the present FIR have already been granted concession of anticipatory bail. Learned counsel again submits that having been granted concession of interim bail on 17.12.2020, petitioner has never misused the concession since then and thus, prays for grant of regular bail to the petitioner.

On the other hand, learned State counsel opposes the prayer made

herein while submitting that there are serious allegations levelled against the petitioner.

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

Once the investigation already stands concluded with the filing of challan way back in January, 2021 and even after expiry of more than one year, the charges have not been framed so far, there would be no justification for extending incarceration of the petitioner particularly under the circumstances when the entire case is based on documents which the investigating agency has already accessed. More than that, majority of individuals who have been indicted as an accused in the FIR have already been granted concession of anticipatory bail, thus, the petitioner deserves the concession of regular bail.

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.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

10.02.2023.
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No