

221

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 39581 of 2023

Date of Decision:- 30.11.2023

HARPREET SINGH @ KAKA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sandeep Sharma, Advocate,
for the petitioner.
Mr. Anmol Singh Sandhu, AAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
0156	16.09.2022	379-B IPC	Khanna City-2, District Khanna, Ludhiana

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody since 16.09.2022 and the challan has already been presented in Court. He submits that no recovery in the case has been effected from the petitioner and even the fact as to how the complainant came to know about the name of the petitioner while recording the FIR creates doubt regarding the genuineness of the case and hence he prayed for grant of concession of bail.

3. Learned State counsel on instructions from ASI Charanjit Singh has submitted that the challan in the case has already been presented in Court and out of the 8 witnesses cited by the prosecution only 2 witnesses have yet been examined. He further submits that no recovery from the petitioner has been effected in this case.

4. After considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 16.09.2022 and is facing trial after presentation of challan, wherein out of 8 witnesses 2 witnesses have been examined and no recovery has been effected by the petitioner. The conclusion of trial will take sufficient long time; criminal liability if any of the petitioner could be ascertained after conclusion of trial and no purpose would be served by detaining the petitioner any longer.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

30.11.2023

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i) Whether speaking/reasoned?
ii) Whether reportable?

Yes/No
Yes/No