

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

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CRM-M-39818 of 2023

Date of Decision:22.08.2023

Vijay Kumar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sartaj Singh Thakur, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. The earlier three bail petitions were withdrawn by the petitioner and this is the fourth petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.0221 dated 16.09.2021, under Sections 379-B(2) IPC (Sections 324, 411 IPC added later on), registered at Police Station Tanda, District Hoshiarpur.

2. Learned counsel for the petitioner submitted that in view of the long custody of the petitioner, he may be considered for the grant of regular bail in the present successive bail petition. He submitted that the petitioner is in custody for 1 year and 11 months and till date not even a single prosecution witness has been examined. He further submitted that the subject matter in the present case is theft of Rs.5000/- and a mobile phone and he has been falsely implicated in the present case in view of the fact that the complainant has specifically named the

petitioner in the FIR because of his personal enmity. He further submitted that the petitioner was earlier involved in one more case under Sections 380 and 454 IPC but he has since been acquitted in that case vide order dated 26.10.2017 passed by the learned Judicial Magistrate First Class, Dasuya. He further submitted that considering the custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Ramdeep Partap Singh, learned Sr. DAG, Punjab has stated that it is correct that the petitioner has already faced incarceration for about 1 year and 11 months and in the other case he has since been acquitted and no prosecution witness has been examined till date.

4. I have heard learned counsel for the parties.

5. It is a case where the petitioner is in custody for about 1 year and 11 month. Although it is a successive bail petition filed by the petitioner but considering the long custody of the petitioner, the successive bail petition would certainly be maintainable in this regard. As per learned counsels for the parties, not even a single prosecution witness has been examined till date and the subject matter of the theft in the present case was only Rs.5000/- and a mobile phone. Therefore, this Court is of the view that considering the long custody of the petitioner, the petitioner deserves the concession of regular bail since the trial of the case may take long time.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

August 22, 2023

rakesh

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