

229-1

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 40449 of 2023
Decided on :- 14.12.2023

DHARWINDER SINGH @ KAKA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr.Pawan Kumar Bansal, Advocate for
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
20	03.05.2023	395, 397, 506 IPC (25 of Arms Act added lateron)	Lakhewali, District Sri Muktsar Sahib

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 petitioner was nominated on the basis of disclosure
statement made by co-accused Princepal Singh. He submits that no recovery

has been effected from the petitioner in the present case and petitioner is not involved in any other case. He submits that the petitioner is in custody since 31.05.2023, challan in the case has already been presented in Court, and out of 34 witnesses cited by the prosecution none has been examined till date, as such he prayed for grant of concession of bail.

3. Per contra, learned State counsel has opposed the bail application by arguing that considering the nature and gravity of offence, petitioner is not entitled for concession of bail. Learned State counsel filed reply dated 26.10.2023 submitted by Deputy Superintendent of Police Sub Division, Malout, district Sri Muktsar Sahib in the form of affidavit and the custody certificate dated 12.12.2023, same are taken on record. Learned Counsel for the State however has not controverted the fact that challan has been presented, and out of 34 witnesses cited by the prosecution none has been examined till date.

4. Considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 30.05.2023. The challan in the case has already been presented in the Court, the petitioner is having clean antecedents and out of 34 witnesses cited by the prosecution none has been examined till date; the conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no useful 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

14.12.2023

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No