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

CRM-M-42941-2022

Date of decision : 02.02.2023

Harpreet Singh@ Haria @ HariyaPetitioner

Vs.

State of Punjab **...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sumit Kalyan, Advocate for
Mr. Bhanu Pratap Singh, Advocate for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.137 dated 19.06.2020 under Sections 379-B and 34 Indian Penal Code, 1860 registered at Police Station Sujampur, District Pathankot, who is in custody since his arrest on 30.07.2021.

The allegations in the FIR, as noticed by the learned Additional Sessions Judge, Pathankot in the order dated 24.08.2022 are as under:

“Brief facts of the prosecution case are that the present FIR has been registered on the statement of complainant Ashok Kumar son of Vijay Kumar with the allegations that on 19.06.2020 when he was returning from his work on his motorcycle No.PB35-V-4159 and going to his house at Farwal Colony. He stopped his motorcycle at mobile shop M/s Ramesh communication for getting his mobile recharged. He parked his motorcycle outside the shop and went inside the shop. When he returned and started towards village Sherpur at about 02.55 PM, four unknown young persons were standing with two

motorcycles on the road. One of them signaled him to stop. When he stopped his motorcycle one of the person took out the ignition key of his motorcycle and they snatched his motorcycle. Thereafter, all of them fled away from the spot. He can identify the assailants, if he will see them. Then the FIR was registered.”

Learned counsel has argued that the petitioner was implicated in this case on the basis of the disclosure statement of co-accused, namely, Gurjeet Singh @ Pha, who is also accused in case FIR No.263 dated 10.04.2020. He has argued that after framing of charges on 14.09.2022, till date no prosecution witness has been examined out of total twenty witnesses. He prays for bail.

The prayer is opposed by learned State counsel assisted by ASI Surinder Kumar, who argued that the petitioner is also involved in other cases as well. In this regard, she has produced the custody certificate by way of an affidavit of Navinder Singh, Superintendent Central Jail, Gurdaspur. However, according to her, though the charges in this case were framed on 14.09.2022, but the trial is yet to commence. She on instructions further states that the case is now fixed for 08.02.2023 for recording the prosecution evidence before the trial Court.

After hearing learned counsel for the parties and considering the above background as well as the custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as it is yet to commence, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 30.07.2021.

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

02.02.2023

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No