

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-43643-2022

Date of Decision: 28.4.2023

Harjinder Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Aminder Singh, Advocate
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

Mr. J.S.Bhinder, Advocate,
for the complainant.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.206 dated 25.9.2021 registered for the offences punishable under Sections 420, 406 IPC at Police Station City Sunam, District Sangrur.

As per allegations recorded in the FIR, the petitioner misappropriated harvesting combine belonging to complainant-Jagtar Singh.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and is incarcerated for the last more than 10 months and on completion of investigation, challan stands presented but it will take considerable time for the trial to conclude. He further submits that now the matter has been settled amicably between the parties. So, prayer is made that the petitioner be released on regular bail.

Prayer is not opposed by Mr. J.S.Bhinder, Advocate, who has put in appearance on behalf of the complainant.

State counsel on instructions from ASI Darshan Singh apprised the Court that on completion of investigation, the police has presented the challan but charges are yet to be framed. However, State counsel has not disputed the fact that the petitioner is in custody for the last more than 10 moths and all the offences are triable by the Court of Judicial Magistrate, 1st Class.

In view of the fact that the petitioner is lodged behind bars for the last more than 10 months and that challan has been presented and all the offences are triable by the Court of JMIC and further, it will take considerable time for the trial to conclude, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

April 28, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No