

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43943-2022 (O&M)
DECIDED ON: 11th MAY, 2023

SUNNY

....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Amitabh Tiwari, Advocate for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Mr. Mayank Mathur, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

CRM-13304-2023

Application is allowed as prayed for.

Annexures P-3 to P-6 are taken on record subject to all just exceptions.

CRM-M-43943-2022

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 272, dated 19.11.2021, under Sections 341, 307, 324, 323, 506, 34 of IPC, 1860 (Section 326 of IPC added later on), registered at Police Station Anaj Mandi, District Patiala.

2. Learned counsel for the petitioner contends that prima facie no case is made out against the petitioner and has been falsely implicated in the present case. He further submits that the petitioner is in custody since 22.11.2021 and challan stands presented on 15.01.2022. He placed reliance upon the zimni orders attached with the application to show that prosecution evidence began on

18.07.2022 and since then the complainant has not been examined. It is submitted by learned counsel for the petitioner that similarly situated co-accused namely Harpreet Singh has already been granted the concession of regular bail by this Court passed in CRM-M-51410-2019 titled as Harpreet Singh vs. State of Punjab and claims parity.

3. On the other hand, learned State counsel has produced the custody certificate, which is taken on record. According to which, the petitioner has suffered incarceration for a period of 1 year, 5 months and 17 days as of now, which further shows that the petitioner is not involved in any other case.

4. Having heard learned counsel for the parties.

5. Considering the custody period suffered by the petitioner i.e., 1 years, 5 months and 17 days and the fact that till date out of 27 witnesses, only complainant has been examined-in-chief and his cross examination is still pending, which shows that trial is moving at snail's pace and will taken certain long time, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

6. Hence, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

11th MAY, 2023
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>