

208-a **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-46250-2022
Decided on:-18.01.2023

Davinder Singh Petitioner..

vs.

State of Punjab Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. P.S. Sekhon, Advocate,
 for the petitioner.

 Mr. Tarun Aggarwal, Sr. DAG, Punjab.
 for the respondent-State.

HARKESH MANUJA J. (Oral)

By way of present petition, the petitioner prays for grant of regular bail during pendency of trial in case FIR No.51 dated 14.05.2022 under Sections 395, 323, 341, 342, 365, 411, 506 and 120-B IPC, registered at Police Station Sadar Sangrur, District Sangrur.

Learned counsel for the petitioner submits that the investigation of the present case already stands concluded, challan filed and charges have been framed. He further submits that the petitioner is behind the bars since 15.05.2022 i.e. for the last more than 8 months now and no recovery has been effected from him, so as to, connect him with the alleged occurrence, except for the recovery of scrap of a truck from the place of one, Simranjit Singh, on the basis of disclosure of present petitioner. He also submits that there is no other case pending against the petitioner.

On the other hand, the prayer made in the present petition has been opposed by learned State counsel by submitting that serious allegations

have been levelled against the petitioner and one of the main accused, namely, Simranjit Singh, is yet to be apprehended.

I have heard learned counsel for the parties and gone through the paper book.

Considering the facts that the petitioner is in custody for the last more than 08 months now and investigation already stands concluded, challan filed and charges have been framed; and the fact that none of the prosecution witnesses have been examined so far, there would be no justification for keeping the petitioner behind the bars by extending his incarceration. It may be pointed out here that on account of inefficiency on the part of Investigating Agency for not apprehending main accused, namely, Simranjit Singh, even after the expiry of almost 08 months of the registration of FIR, the petitioner cannot be made to suffer by keeping him behind the bars.

It may, however, be clarified that the FIR in question was registered under Sections 323, 341, 392, 506 IPC, whereas, challan has been submitted under Sections 323, 341, 342, 365, 395, 411, 506 and 120-B IPC.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner, namely, Davinder Singh is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

18.01.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No