

221

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-44704-2023
Date of Decision: 14.09.2023

Markas Masih @ Maghar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Manjit Kaur Saini, Advocate
for the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.78 dated 23.04.2023, under Sections 457, 380 & 427 IPC (Section 201 IPC and Sections 25, 54, 59 of the Arms Act were added later on), registered at Police Station Ajnala, District Amritsar Rural.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody since 25.05.2023 and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. She further submitted that the petitioner is having clean antecedents and is not involved in any other case. She also submitted that as per the allegations contained in the FIR, the main door of the petrol pump was found broken at the night time and there was theft of some cash amount and one LED and camera were also damaged. She further

submitted that the petitioner was nominated later on and there is no evidence with the police to connect the petitioner with the present offence. She submitted that in view of the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail especially considering the fact that the investigation of the case has already been completed and the trial of the case may take long time.

3. On the other hand, Mr. H.S. Sitta, learned DAG, Punjab has stated that it is correct that the petitioner is in custody since 25.05.2023 and he was nominated thereafter. He further submitted that although the petitioner is having clean antecedents but he was actively involved in the present offence and therefore, has opposed the grant of regular bail to the petitioner.

4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner is in custody since 25.05.2023. The petitioner is stated to be not involved in any other case and is having clean antecedents. As per the learned counsels for the parties, the investigation of the case has already been completed and challan stands presented. It is yet to be seen at the time of trial that as to whether the petitioner was present or was involved in the present offence or not. The trial of the case may take long time. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

14.09.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |