

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM-M-45568-2023

Date of Decision : September 19, 2023

Sahil Kumar @ Shanga

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manbir Singh Basra, Advocate, for the petitioner.

Mr. Gurpreet Singh, Addl. Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.3 dated 07.01.2020 registered under Sections 379-B (2) of the IPC, 1860 (Sections 326, 201 and 34 of the IPC) and (Section 27 of the Arms Act, 1959) added later on at Police Station B-Division, Amritsar.

2. Learned counsel for the petitioner argues that the petitioner is behind the bars for the last more than three years and one month and the trial is likely to take some time before it concludes hence, the petitioner be granted the concession of regular bail.

3. Notice of motion.

4. Mr. Gurpreet Singh, learned Additional Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

5. Learned State counsel submits that though it is a matter of fact that the petitioner is behind the bars for the last more than three years and one month but the petitioner is facing serious allegations. Learned State

counsel further submits that as of now the status of the trial is that out of 19 cited witnesses, only four witnesses have been examined.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. Keeping in view the fact that the petitioner is behind the bars for the last three years and one month and status of the trial is that out of 19 cited witnesses only four witnesses have been examined, the trial is likely to take some time before it concludes, hence, keeping the petitioner behind the bars throughout the trial will serve no purpose especially when the petitioner has already suffered incarceration for more than three years and one month and the allegations are yet to be proved, the petitioner has made out a case for the grant of regular bail especially when learned counsel for the petitioner has undertaken before this Court that in case the petitioner is granted the concession of regular bail, he will comply with the conditions of the regular bail and will not influence the trial in any manner and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

8. In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

9. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 19, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes