

2023:PHHC:123741

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(207)

CRM-M-46246-2023

Date of decision:- 20.09.2023

Manpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. VIKRAM AGGARWAL

Present : Mr.Prabhdeep Singh Bhandari, Advocate
for the petitioner.
Mr. Kunal Muthreja, AAG Punjab.

VIKRAM AGGARWAL, J. (Oral)

1. This is the second bail application filed by the petitioner under Section 439 Cr.P.C. in case FIR No.3 dated 03.01.2023 under Sections 379-B, 411 and 34 (added later on) of IPC 1860 registered at Police Station Ghuman, Police District Batala, District Gurdaspur.

2. On 02.01.2023, one Harpreet Singh was waylaid by two persons out of which one was alleged to be the present petitioner Manpreet Singh and the second was alleged to be one Lovepreet Singh. The allegation was that these two persons snatched Rs.17000/-, a mobile phone and a drone from the said complainant Harpreet Singh. The present petitioner was arrested on 04.01.2023 and is suffering incarceration since that time.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. It has been contended that final report under Section 173 Cr.P.C. has been submitted, charges have been framed and the case is

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fixed for evidence of the prosecution. It has been submitted that no recovery has to be made from the petitioner and since trial will take a considerably longer time, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

4. On the contrary, learned State counsel has opposed the grant of bail stating that if the petitioner is released on bail, he may try to influence and threaten the witnesses and may also abscond. With regard to custody, it has been submitted that as per the custody certificate, which has been filed in the Court today, the petitioner has undergone incarceration for a period of 8 months and 14 days.

5. I have considered the submissions made by learned counsel for the parties. Investigation in the case has been completed and final report under Section 173 Cr.P.C. has been submitted. Charges have also been framed. The case is fixed for evidence of the prosecution and no witness has been examined till date. The trial is therefore, likely to take a sufficiently long time. The petitioner is suffering incarceration for the last 8 months and 14 days. In the considered opinion of this Court, no useful purpose would be served by keeping the petitioner in custody any longer as he is a young man of 23 years of age and long incarceration in the company of hardened criminals may affect the petitioner.

6. In view of the position as noted above and without commenting upon the merits of the case, the present bail application is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

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7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(VIKRAM AGGARWAL)
JUDGE

September 20, 2023
spn

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No