

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-49324-2022(O&M)
Date of decision: 10.05.2023

Harwinder Singh @ Pindri

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Kartar Singh, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition (the first one having been dismissed as not pressed on 25.08.2022, however co-accused Pardeep Singh @ Pappu had been granted the concession of bail on that date), the petitioner seeks regular bail in case bearing FIR No.129 dated 03.12.2021, registered at Police Station Chhajli, District Sangrur, under Sections 379-B, 201 and 411 IPC.

Learned counsel for the petitioner contends that recovery has already been effected; that the petitioner has been in custody since 12.12.2021, and that though challan was presented on 08.02.2022, yet the fact remains that the same has not been committed to the Court of Session till now. So far as two other cases i.e. FIR No.51/2021, Police Station Cheema, under Section 379 IPC and FIR No.71 dated 30.05.2020, Police Station Cheema, under Section 61 Excise Act, registered or pending against the petitioner, are concerned, he has been released on bail therein. Out of 15 prosecution witnesses, none has been examined so far.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the though the petitioner has been in custody for the last more than 01 year and 04 months but the fact remains that petitioner is a habitual offender and the recovery of Rs. 65000/- from him shows that he is actively involved in the present case. He does not dispute that co-accused Pardeep Singh @ Pappu has been enlarged on bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 12.12.2021 The recovery has already been effected. Co-accused Pardeep Singh @ Pappu is on bail. Therefore, the conclusion of the trial would take time. As far as other cases are concerned, the petitioner is on bail. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

10.05.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No