

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-50493-2022

Date of Decision:-20.07.2023

Harchet Singh @ Meenu.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Yagyaang Ajay, Advocate for the Petitioner.

Ms. Ramta Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.70 dated 23.04.2022 under Sections 454, 380 and 411 IPC registered at Police Station City Moga, District Moga, Punjab.

2. The brief facts of the case are that the statement of one Pappu Parshad was recorded to the effect that he was a vegetable vendor who had set up a cart near the Gurudwara Sahib on Dosanjh Road and his brother Tri Bhawan had taken a shop for selling fruit and juice. On 23.04.2022 he had left home to bring vegetables from the market. His wife had sent the children to school and went to work in people's houses as usual. When his wife returned from work she found that the lock of the room had been broken and the door was lying open. The lock of the iron trunk was also broken and a cash amount of Rs.3,45,000/- was missing. His wife narrated the occurrence to him. Out of the missing amount Rs.2 lacs had been given

to him by his brother Tri Bhawan after taking a loan and the remaining amount of Rs.1,45,000/- were his savings. Some unknown people had committed the offence in question.

3. The Counsel for the petitioner contends that the petitioner was nominated as an accused in the present case on the basis of supplementary statement of the complainant after a delay of almost 02 months. Other than the said statement there was absolutely no evidence available against the petitioner. As the petitioner was in custody since 07.06.2022 and only 02 of the 09 prosecution witnesses had been examined so far, he was entitled to the concession of bail as the trial of the present case was not likely to be concluded anytime soon.

4. The Counsel for the State on the other hand while placing reliance on the custody certificate contends that the petitioner is a habitual offender. He stands convicted in FIR No.47 dated 29.02.2020 under Section 454, 380 IPC, P.S. City Moga to the period already undergone by him whereas in one another case bearing FIR No.63 of 5.4.2020 under Section 454, 380, 411 IPC P.S. City Sought Moga he is an undertrial though he has been granted the concession of bail vide order dated 09.05.2020. He, however, concedes that the petitioner is in custody since 7.6.2022 and only 02 out of 09 prosecution witnesses had been examined so far.

5. I have heard learned Counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 7.6.2022 and only 02 out of 09 prosecution witnesses have been examined so far. Therefore, the Trial of the present is not likely to be concluded anytime soon. In this situation his further incarceration is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-**Harchet Singh @ Meenu** son of Sh. Gursharan Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any other case other than the present case.
9. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 20, 2023
Vinay

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