

CRM-M No. 49138-2023

2023:PHHC:128431

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM-M No. 49138-2023

Date of Decision : 04.10.2023

Bittu

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Namit Khurana, Advocate and
Mr. Sandeep Sharma, Advocate for the petitioner.

Mr. Gurpreet Singh, Additional Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 164 dated 02.10.2022, registered under Sections 222, 224, 225-A, 120-B IPC (Sections 212, 216 IPC and Section 25 of Arms Act added later on) at Police Station City 1, Mansa, District Mansa.

Learned counsel for the petitioner argues that the petitioner has been roped in the present case on the basis of disclosure statement of co-accused, namely, Chirag only on the ground that both the petitioner as well as co-accused, namely, Chirag are the real brothers of Deepak @ Tinu, who had fled from the custody of CIA Incharge SI Pritap Singh.

Learned counsel for the petitioner submits that in the present case, no other material except the disclosure statement of co-accused, namely, Chirag has been brought on record so as to implicate that the petitioner helped his brother Deepak @ Tinu to escape from the custody of

CIA Incharge, SI Pritap Singh. Learned counsel submits that even otherwise, the petitioner is behind bars for the last approximately one year and as out of 56 cited witnesses, none has been examined, hence, the petitioner be granted the benefit of regular bail.

Notice of motion.

Mr. Gurpreet Singh, learned Additional Advocate General, Punjab, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that though the petitioner was involved in the present case on the basis of the disclosure statement of co-accused, namely, Chirag but keeping in view the facts mentioned in the said disclosure statement, the participation of the petitioner in the offence is very much clear as the allegations alleged against the petitioner are serious in nature with the allegation that an accused Deepak @ Tinu was illegally taken out from the police custody, hence, the claim of the petitioner for the grant of regular bail may kindly be declined. Learned State counsel on instructions from Inspector Sukhwinder Singh submits that out of the total 56 cited witnesses, none has been examined so far.

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

Keeping in view the facts and circumstances of the present case, as the petitioner has been involved on the basis of the disclosure statement of co-accused, namely, Chirag, which disclosure statement is yet to be proved during the course of trial coupled with the fact that the petitioner is behind bars for the last approximately one year as well as the fact that out of total 56 cited witnesses, none has been examined and the trial is likely to

take some time before the same concludes, no useful purpose will be solved keeping the petitioner behind the bars, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted the concession of regular bail. It is made clear that in case, any fact comes to the notice of the State with regard to the violation of the said undertaking, the State will be within its jurisdiction to file appropriate application along with the cogent facts for re-consideration of the present order.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

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.

October 04, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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