

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52023-2022 (O&M)

Date of Decision:05.01.2023

Vishnu Parshad

... *Petitioner*

V/s.

State of Punjab

... *Respondent*

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Amit Chaudhary, Advocate for
Mr. Atul Goyal, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 19 dated 22.02.2022, under Section 386, 506 IPC registered at Police Station Lakhewali, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the petitioner is in custody since 22.02.2022. He submits that the petitioner has been falsely implicated in the present case as the material witnesses stand examined and they have not supported the version of the prosecution. He further submits that the bail application of the petitioner was dismissed by the Court below only on the ground that the I.O. is yet to be examined and that the conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Custody certificate has been filed by the respondent-State,

which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature but does not dispute the fact that the petitioner is behind bars for the last 10 months and 14 days and that the challan stands presented and the charges have been framed in the matter.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 22.02.2022.

It is not a case made out by the respondent-State that the concession of bail if granted to the petitioner would hamper the course of free and fair trial since the material witnesses stand examined. Further since the investigation is complete and the material witnesses have been examined and turned hostile and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

05.01.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No