

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55297-2022 (O&M)

Date of Decision:05.01.2023

Jagwinder alias Jagwinder Pal alias Bhagga

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Munish Puri, 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. 108 dated 25.08.2022, under Sections 379-B and 34 IPC registered at Police Station Sujanpur, District Pathankot.

Learned counsel for the petitioner contends that the petitioner is in custody since 25.08.2022. He submits that the petitioner has not even been named in the FIR and has been falsely implicated in the present case merely on the basis of a disclosure statement. He further submits that the conclusion of trial will take sufficient time, therefore, the petitioner 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

petitioner is a habitual offender and the offence alleged against the petitioner is serious in nature and he is involved in two more cases of similar nature but does not dispute the fact that the challan stands presented in the present case and none has been examined out of total 13 witnesses.

Confronted with the same, learned counsel for the petitioner submits that out of two cases, the petitioner has been granted regular bail by this Court vide order dated 09.12.2022 in CRM-M-56828-2022.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 25.08.2022. It is not a case made out by the respondent-State that the concession of bail if granted to the petitioner, he would hamper the course of free and fair trial. Further, as the trial would take sufficient time to conclude, no useful purpose would be served in keeping the petitioner behind the 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

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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>