

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-57260-2022

Date of Decision:20.12.2023

Sukhwinder Singh

...Petitioner

vs.

State of Punjab and Others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. T.P.S Tung, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 94 dated 17.09.2022, registered under Sections 419,420,465,467,468,471,120-B of IPC (Section 406 of IPC added and Sections 419,465,467,468,471,120-B of IPC deleted later on) vide DDR No.16 dated 12.11.2022 Police Station Kiratpur Sahib, District Roopnagar (Annexure P-1).

2. Learned counsel for the petitioner contends that he has been falsely involved in the present case. In fact, the petitioner was having a financial dealing with the complainant, Satwinder Singh. He next contends that the petitioner was running a shop of readymade garments and the complainant used to buy clothes from him. During the course of the business, a dispute arose between both the parties and the complainant lodged a false case by coining a story. Learned counsel further contends that the petitioner is in custody since 18.09.2022 and no witness has been examined so far. He further contends that even the prosecution is requesting for repeating adjournments before the Trial

Court, so as to ensure the longer incarceration of the petitioner. He further contends that the entire case hinges upon the testimonies of the complainant and official witnesses and petitioner is not in a position to influence the witnesses.

3. On the other hand learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is the main accused and six other cases have also been registered against the present petitioner.

4. I have heard the learned counsel for the parties and perused the case file.

5. It is apparent that the petitioner is in custody for the last about 03 months and all the offences are triable by the Court of Magistrate. The law is well settled that the petitioner cannot be confined as an under trial prisoner for an indefinite period, especially when the prosecution has not been able to examine even a single witness so far.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

(N.S.SHEKHAWAT)
JUDGE

20.12.2023
hitesh

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