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

CRM-M-56062-2023

Date of Decision: 15.11.2023

Sewa Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Gagandeep Kaur, Advocate,
for the petitioner.

Mr. G.S. Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.009 dated 21.01.2022, under Sections 457, 380 & 427 IPC (Sections 395, 398 IPC and Sections 25/54/59 of the Arms Act added later on vide GD No.25 dated 22.01.2022), registered at Police Station Bariwala, District Sri Muktsar Sahib.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 22.01.2022 which is more than 1 year and 9 months and in the present case, the charges were framed on 05.07.2022 which is also more than 1 year and 4 months ago, but till date only one prosecution witness has been examined, who is the complainant. She further submitted that the allegations against the petitioner and the other co-accused are that they have committed theft in a bank and the shutter of the bank was also cut and there has been a theft of 5 monitors, 3 batteries, 1 CPU, 1

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electronic stove and 1 room heater which were found missing from the bank and on the basis of suspicion the name of the petitioner was nominated. She also submitted that the petitioner is falsely implicated in the present case in view of the fact that the petitioner was facing trial in one more case under Section 379 IPC but in that case he has already been acquitted. She submitted that considering the stage of the trial and custody of the petitioner, he may be considered for grant of regular bail.

3. On the other hand, Mr. G.S. Sidhu, learned AAG, Punjab submitted that it is correct that the petitioner is in custody for more than 1 year and 9 months and it is also correct that the charges in the present case were framed on 05.07.2022 and thereafter, only complainant has been examined and no other prosecution witness has been examined. He, however, submitted that since it is a case of theft in a bank and the stolen articles were recovered from a car which belongs to the petitioner, and therefore, the petitioner does not deserve the concession of regular bail.

4. I have heard the learned counsels for the parties.

5. The petitioner has already faced incarceration for more than 1 year and 9 months and about 1 year and 4 months have elapsed after the framing of the charges that only one prosecution witness has been examined who is the complainant. As per the learned counsel for the petitioner, the petitioner was earlier involved in one more case under Section 379 IPC but he has since been acquitted in that case. Therefore, considering the aforesaid facts and circumstances and the long custody of the petitioner as well as the stage of the trial, this Court deems it fit and proper to grant regular bail to the petitioner.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)

JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No