

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-60494-2022
Date of Decision: 27.07.2023

Nishan Singh alias Manu
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Gursharan Singh, Advocate,
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

VIKAS SURI, J.

1. The instant petition has been preferred under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.0210 dated 13.07.2022, under Sections 379-B, 411 and 34 IPC, registered at Police Station A Division, District Police Commissionerate Amritsar, District Amritsar.
2. Custody certificate of the petitioner dated 26.07.2023, showing the actual undergone period as 01 year and 12 days, has been filed by the learned State counsel in Court today. The same is taken on record. A copy thereof supplied to the learned counsel for the petitioner.
3. Learned counsel for the petitioner submits that the name of the petitioner is not mentioned in the FIR and he has been falsely implicated.

He submits that the recovery, which has been shown by the police from the petitioner is of Rs.200/- and an Aadhaar Card only. He submits that the petitioner is in custody since 13.07.2022 and nothing is to be recovered from him. He further submits that investigation in the FIR in question has been completed and final report under Section 173 Cr.P.C stands presented before the Court on 16.09.2022 but no charge has been framed till date. Referring to the custody certificate of the petitioner, he submits that the petitioner is not involved in any other case. He contends that the trial is yet to start and proceedings are not likely to conclude in near future and therefore, no useful purpose would be served by keeping him behind the bars.

4. *Per contra*, learned State counsel has opposed the bail of the petitioner by stating that the petitioner has played a vital role in the commission of offence. He, however, could not controvert the factual assertions of the learned counsel for the petitioner as noticed above.

5. I have heard learned counsel appearing on behalf of the respective parties and with their able assistance, have gone through the custody certificate and record of the case.

6. Having considered the submissions of the learned counsel for the parties and keeping in view the actual custody period undergone by the petitioner; that trial is not likely to conclude at an early date as charge has not been framed against the petitioner till date; and the antecedents of the petitioner, not being involved in any other criminal case as per the custody certificate, I deem it appropriate to enlarge the petitioner on bail.

7. The instant petition is allowed and petitioner-Nishan Singh alias Manu is ordered to be released on bail subject to furnishing bail bonds/ surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.
8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.
9. The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of the material/evidence available.

July 27, 2023
Harish

(VIKAS SURI)
JUDGE

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