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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 60849 of 2023
Date of Decision:- 08.12.2023

SANDEEP @ LOVELY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ashok Kumar Khunger, Advocate,
for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
0037	13.06.2023	457, 380 IPC (411, 413, IPC added lateron)	Khui Khera, District Fazilka

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and is in custody since 23.08.2023. He submits that no recovery has been effected from the petitioner and without any basis the petitioner has been implicated as an accused in the present case. He submits that the challan has already been presented in Court but the disposal of trial will take time, hence

he prayed for grant of bail to the petitioner.

3. Learned State counsel has filed custody certificate dated 07.12.2023 and has not disputed the factual matrix by submitting that the challan has already been presented against the petitioner.

4. After considering respective submissions and perusing the record, it transpires that the petitioner was arrested in this case on 23.08.2023 and since then he is in custody. Challan has already been presented in Court and conclusion of trial will take sufficient long time. In these circumstances, I find no purpose would be served by detaining the petitioner in custody any longer in the present case which is triable by the Court of Magistrate. Criminal liability, if any, would be ascertained after conclusion of trial.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served by keeping the petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

08.12.2023

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No

Yes/No