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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-734-2024
Date of decision:-07.03.2024

HARJEET SINGH @ KALA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Yashpal Thakur, Advocate for the petitioner.
Mr. Japjot Singh, Addl. AG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed reply dated 07.02.2024 by way of affidavit of Deputy Superintendent of Police (City-I), District S.A.S. Nagar and Custody certificate dated 06.03.2024, the same are taken on record, copies thereof, have been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
218	18.11.2023	307, 323, 506, 148, 149 of IPC	Phase-1, District S.A.S. Nagar (Mohali), Punjab.

3. It is *inter alia* contended by learned counsel for the petitioner

that the petitioner is innocent and has been falsely implicated in this case. He submits that no overt act has been attributed to the petitioner and even no recovery has been effected from the petitioner. He submits that petitioner is in custody since 24.11.2023, challan has already been presented in Court and the conclusion of trial will take much time, as such he prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel on the basis reply dated 07.02.2024 filed by the State has prayed for dismissal of the bail application considering heinous nature and gravity of offence. He however admitted that challan has already been presented in Court wherein out of 17 witnesses cited by the prosecution none of them have been examined so far. He also admitted that no recovery has been effected from the petitioner in this case.

5. After considering the rival contentions and going through the record, it transpires that no specific overt act is attributed to the petitioner and further consequent upon his arrest in this case no recovery has been effected from him. The Co-accused Chanchalpal Singh has already been granted concession of bail by trial Court vide order dated 05.12.2023 (Annexure P-3). Challan has already been presented in Court wherein prosecution has cited 17 witnesses and none of them have been examined till date. In this manner, conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no purpose would be served by keeping petitioner behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping 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.

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

(SANJIV BERRY)
JUDGE

07.03.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No