

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

CRM-M No.1529 of 2024 (O&M)

Date of decision : 19.01.2024

Daljeet Singh @ Dittu

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. G.S.Hayer, Advocate
for the petitioner.

Mr. Amit Shukla, Asst. A.G., Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.121 dated 20.11.2017 registered under Sections 382/411/458/342 IPC and Sections 25/27 of Arms Act at Police Station Bahavwala, District Fazilka.

2 The petitioner was booked on the basis of disclosure made by co-accused while in the police custody and was arrested. He was enlarged on regular bail on 14.10.2019. The petitioner absented from the Court proceedings and was declared as proclaimed person vide order dated 14.08.2022 and was thereafter arrested on 16.11.2022. Since then the petitioner is in custody and by now as per the custody certificate produced by the State, the total custody of the petitioner is 3 years and 21 days.

3 Learned counsel for the petitioner submits that even after arrest, the petitioner is in custody for more than 1 year, 2 months & 3 days and the prosecution could not examine even a single witness.

4 Learned State counsel opposes the bail plea on the ground that the petitioner is a habitual offender and is also a prior convict for offences punishable under Sections 342/411/458 IPC.

5 I have heard learned counsel for the parties and have gone through the records of the case.

6 Keeping in view the nature of allegations levelled against the petitioner, the incriminating evidence i.e. only nature of disclosure made by co-accused and the fact that despite the petitioner being in custody for more than 1 year, 2 months & 3 days, the prosecution has failed to examine even a single witness, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

19.01.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No