

231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.2799 of 2024 (O&M)

Date of decision : 30.01.2024

Rajbir Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. C.S.Rana, Advocate for the petitioner.

Mr. Iqbal Singh Mann, DAG, 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.136 dated 31.03.2023 registered under Sections 364/34 IPC and Sections 364-A/365/451/342/170/419/420/201 IPC (added later on) at Police Station Division No.7, District Ludhiana.

2 Learned counsel for the petitioner submits that the petitioner has been in custody since 31.03.2023. Investigation is complete. Challan stands presented. He further relies upon order dated 18.12.2023 passed in **CRM-M-49403 of 2023** whereby co-accused, namely, Bhawanjit Singh who is similarly situated to the present petitioner stands admitted to bail observing as under :-

“4. Counsel for the petitioner submits that the petitioner is behind bars for more than 8 months and 17 days. Challan already stands presented and investigation is complete and thus there can't be any apprehension that the petitioner shall tamper with the evidence.

5. State Counsel is not in position to dispute the aforesaid factual assertions made by counsel for the petitioner based on record of the

case.

6. *I have heard counsel for the parties and have gone through records of the case.*

7. *Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented thus custody of the petitioner cannot be prolonged as a punitive measure, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.*

8. *Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.”*

3 Learned State counsel does not dispute the fact that the petitioner is in custody since 31.03.2023 and has thus by now completed about 10 months.

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

5 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner and the fact that investigation stands concluded, challan stands presented, 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.

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

(PANKAJ JAIN)
JUDGE

30.01.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No