

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4046-2024
DECIDED ON: 31.01.2024

SAHILPETITIONER

VERSUS

STATE OF UT CHANDIGARHRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pardeep Kapila, Advocate for the petitioner.

Mr. Manish Bansal, APP, UT Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 98, dated 30.08.2023, under Sections 379-B, 34, 411, 473, 471 of IPC, 1860, registered at Police Station Manimajra, Chandigarh.
2. Learned counsel for the petitioner submits that the petitioner has been nominated on the basis of disclosure statement suffered by co-accused Shiv Kumar from whom the alleged recovery was effected. He further submits that the challan stands presented on 08.11.2023, but till date charges have not been framed.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 3 months and 14 days. He prays for dismissal of the present petition on the ground that the petitioner is involved in two other cases. He on instructions from Inspector Akthar Khan submits that charges have been framed on 20.01.2024 and out of total 17 prosecution witnesses, none has been examined so far.

4. Be that as it may, considering the fact that nothing incriminating material is available against the petitioner, who is in custody since 18.10.2023, wherein out of total 17 prosecution witnesses, none has been examined till today after framing of charges on 20.01.2024, which is suffice to convince this Court that trial will certainly take long time, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which would also curtail the right of life and liberty of the petitioner as enshrined under Article 21 of the Constitution of India.

5. As far as the contention of learned State counsel with regard to pendency of other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “*Baljinder Singh alias Rock vs. State of Punjab*” decided on 02.03.2023, wherein, this Court observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and not material in instant FIR against the accused-petitioner to hold him guilty.

6. In the light of the above discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

7. The present petition, is hereby allowed.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

31.01.2024

Sham

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