

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

Neutral Citation No. **2024:PHHC:042930**
CRM-M-4787-2024
Date of Decision: April 01, 2024

Shivcharan Dass

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Davis Jindal, Advocate for the petitioner.

Mr. Gurpartap Singh Bhullar, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.0069 dated 14.05.2023, under Sections 401, 379, 411, 420, 465, 467, 468, 471, 473 and 120-B of IPC, registered at Police Station Kot Ise Khan, Districte Moga.

2. At the outset, learned counsel for the petitioner submits that four of the co-accused, namely, Parwinder Singh, Gursewak Singh @ Sewak, Jasjit Singh @ Bhalla and Kewal Singh have already been allowed bail by this Court, vide a common order dated 18.01.2024 (Annexure P-3) passed in CRM-M-38110-2023, CRM-M-52634-2023, CRM-M-43085-2023 and CRM-M-41588-2023.

3. Learned counsel for the petitioner contends that all the offences in question are triable by the Magistrate; that petitioner is in custody for the last more than 10 months; and that the trial may take long time to conclude, so he be allowed bail.

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4. Status report by way of affidavit of Shri Amarjit Singh, Deputy Superintendent of Police, Dharamkot, District Moga alongwith custody certificate has been filed on behalf of respondent-State.

5. Learned State counsel has opposed the bail petition due to the involvement of the petitioner in other case. However, it is not disputed that the case of the petitioner is on the similar footing as that of co-accused, who have already been allowed bail by this Court vide Annexure P-3. As per the custody certificate, petitioner is in custody for the last 10 months and 19 days.

6. It is also informed by learned State counsel that out of 55 witnesses cited by the prosecution in the final report under Section 173 Cr.P.C., not even a single witness has been examined so far and thus, the trial is likely to take long time to conclude.

7. Having regard to all the aforesaid facts and circumstances and also on the basis of parity, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

April 01, 2024
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No