

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5195-2024
DECIDED ON: 07.02.2024

NIKHIL BHATIA
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Amarjot Kaur, Advocate for
Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.120, dated 15.06.2023, under Sections 379-B and 34 of IPC, 1860, registered at Police Station Chheharta, District Amritsar.
2. This is the 2nd petition for regular bail, as the earlier petition bearing No. CRM-M-44101-2023 was dismissed on merits vide order dated 12.09.2023 (Annexure P-2) on account of the fact that complainant has turned hostile and made a statement before the trial Court, which is attached to the present petition at Annexure P-3.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He submits that complainant is stated to have turned hostile, as is evident from (Annexure P-3) statement of the complainant namely Gurmeet Kaur w/o Sahib Singh, who appeared in the witness box as PW1.

4. Be that as it may, considering the fact that the complainant herself turned hostile, there is probability of earning acquittal by the petitioner, who has already suffered incarceration of 7 months and 25 days, who is not involved in any other case, as is evident from the custody certificate and on that account, it would be totally unjust and unfair to keep the petitioner behind the bars for an indefinite period till the conclusion of trial, which would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.*

5. In the light of above, 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.

6. The present petition is hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

07.02.2024

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>