

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5520-2024 (O&M)
Date of Decision:07.02.2024

Jaspal Singh ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 190 dated 19.09.2023, registered under Sections 379-B,34,411,201 of IPC Police Station Chheharta, District Amritsar, Punjab.

2. Learned counsel for the petitioner contends that the petitioner was not named in the present FIR nor there is any averment in the FIR, which even remotely connects the petitioner with the commission of crime. He further contends that the mobile phone has already been recovered from the co-accused Ashok. He further submits that the police had taken into possession the motorcycle, which was allegedly used in the commission of crime by the petitioner and his co-accused. He further submits that the petitioner is in custody since 21.09.2023 and the final report under Section 173 of Cr.P.C has already been presented before the competent Court.

3. On the other hand, learned State counsel has vehemently opposed

the prayer made by learned counsel for the petitioner on the ground that the petitioner was involved in a serious crime, however, he admits that there is no other criminal case against the present petitioner and has undergone 04 months and 14 days of actual custody in the present case.

4. I have given my anxious consideration to the rival submissions made by learned counsel for both the parties and I am of the considered opinion that the present petition is liable to be allowed by this Court.

5. The petitioner was arrested in the present case on 21.09.2023 and is in custody for the last more than 05 months. Apart from that, the trial is yet to be formally commence against the present petitioner and further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

7. Pending application(s), if any, stand(s), disposed off, accordingly.

(N.S.SHEKHAWAT)
JUDGE

07.02.2024
hitesh

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