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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7008-2024(O&M)

Date of Decision: 12.03.2024

Harpreet Singh @ Happy

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Jagdish Singh Mahal, Advocate, for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.0013 dated 11.01.2022, under Section 379B (2) IPC (Sections 411, 473 IPC and Section 25, 54, 59 of Arms Act added later on), registered at Police Station Maqboolpura, District Amritsar.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 2 years, 1 month and 17 days and in the present case the charges were framed on 21.08.2023 but no prosecution witness has been examined till date. He submitted that the petitioner was falsely implicated in the present case because earlier he was involved in three more cases of similar nature out of which in one case he has already been acquitted and it was the only reason as to why the petitioner has been falsely implicated. He also submitted that the subject matter of the alleged theft in

the present case is one mobile phone, cash of Rs. 5,000/-, PAN Card and Aadhar Card. He submitted that the reason as to why the prosecution witnesses are not coming forward before the learned trial Court is that the petitioner was falsely implicated in the present case. He also submitted that considering the custody of the petitioner which is more than 2 years, the petitioner may be considered for the grant of regular bail.

4. On the other hand, Mr. Adeshwar Singh Pannu, learned AAG, Punjab has submitted on instructions from ASI Rampal that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the charges in the present case were framed on 21.08.2023 but no prosecution witness has been examined till date. He has however opposed the grant of bail to the petitioner on the ground that the petitioner is involved in two more cases of similar nature and the material witnesses are yet to be examined and, therefore, the petitioner does not deserve the concession of regular bail.

5. I have heard the learned counsel for the parties.

6. The custody of the petitioner is stated to be more than 2 years and subject matter of the theft as per learned counsel for the parties is one mobile phone, cash of Rs. 5,000/-, PAN Card and Aadhar Card. The charges in the present case were framed on 21.08.2023 but no prosecution witness has been examined till date. The mere pendency of other cases against the petitioner cannot become a ground for denial of bail to the petitioner.

7. Therefore, considering the totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the

petitioner.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

12.03.2024

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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