



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-9932-2024

Date of decision: 09.05.2024

Harbans Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Abhinav Jain, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.5 dated 03.01.2013 under Sections 420, 447 of the IPC and Section 13-A of the Punjab Village Common Land (Regulation) Act, 1963 (in short, 'the Act') registered at Police Station Sadar, District Moga.

2. Learned counsel for the petitioner submits that the petitioner is a 65 year old man, who has now been in custody since 01.02.2024. Challan in the case at hand stands presented and even charges framed, however, none of the 19 prosecution witnesses cited have been examined till date. Hence, there is no likelihood of the trial concluding in the near future. Learned counsel has further submitted that as per the allegations levelled in the FIR, the land which had been allotted in the name of some homeless persons under Section 13-A of the Act, had been sold by one of those persons to the petitioner, who



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was now in illegal possession of the same. Learned counsel submits that the petitioner has no other criminal antecedents and there can be no apprehension of any tampering of evidence as the case of the prosecution rests on documentary evidence.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the stage of the trial. It has also not been disputed that the petitioner has no other criminal antecedents coupled with the fact that the case at hand hinges on documentary evidence.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner as in a case triable by Magistrate he has now been in custody since 01.02.2024 and none of the 19 prosecution witnesses have been examined till date.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.05.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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