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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-9597-2024(O&M)
Date of decision:-28.02.2024

SEKH SAKIR ALI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Navraj S. Mahal, Advocate for
Mr. Anmol Singh Hayer, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

CRM-8388-2024

1. Heard.
2. In view of the averments made in the application the same is allowed.

CRM-8393-2024

1. Heard.
2. In view of the averments made in the application the same is allowed.

Main case

1. Learned counsel for the State filed custody certificate dated 27.02.2024, the same is taken on record. Copy thereof, has been supplied to

the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
196	24.11.2023	406 IPC	Kotwali Bathinda, District Bathinda.

3. Heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is working as goldsmith and the complainant had entrusted some gold for preparing some gold ornaments and since the petitioner had to rush to his hometown in urgency he could not prepare the ornaments in time and the case was registered and the petitioner got recovered the gold ornaments on the basis of disclosure statement which he had handed over to his friend for transmitting the same to the complainant. He submits that the petitioner has no *mala fide* intention and is in custody since 23.12.2023. He submits that challan has already been presented in Court, as such he prays for grant of concession of bail to the petitioner.

5. Per contra, learned State counsel has opposed the bail application by arguing that petitioner had committed heinous crime and does not deserve concession of bail. However, he admits that challan has been presented in court and charges are yet to be framed.

6. After considering the rival contentions and going through the record, it transpires that the petitioner was arrested in the present case on

23.12.2023 and after completion of investigation, challan has been presented in court and possible recovery from the petitioner has already been effected. The trial Court is yet to frame the charges and the prosecution has cited as many as 20 witnesses and it will take sufficient long time for conclusion of trial. The petitioner cannot be allowed to languish in jail till the conclusion of trial in the present case which is triable by the Court of Magistrate, especially when the petitioner is having no criminal antecedents.

7. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

28.02.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No