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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-14226-2024****Date of Decision: 22.03.2024**

Sandeep Kumar @ Sunny

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Manoj K. Sharma, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.459 dated 03.12.2023 registered under Sections 379-B of IPC and later on added Section 411 of IPC, at Police Station City Hoshiarpur, District Hoshiarpur.

2. Learned counsel for the petitioner contends that the petitioner has been wrongly involved by the police in the present case, with some ulterior motive. Learned counsel further contends that the version mentioned by the complainant in the present case is highly improbable and unbelievable. The complainant has stated in the FIR that he knew the names of the accused and could identify, if they were brought before him. However, surprisingly neither the names have been mentioned in the FIR nor any physical description of any of the accused has been mentioned by the complainant. Thus, apparently a false

case has been planted on the petitioner. The petitioner is in custody since 04.12.2023 and the challan has already been presented against him.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that one more case i.e. FIR No.460 dated 03.12.2024, under Section 22 of NDPS Act, at Police Station City Hoshiarpur, District Hoshiarpur has been registered against the petitioner. However, the petitioner is already on bail in the said case.

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

5. The petitioner was arrested in the present case on 04.12.2023 and is continuing in custody for the last more than 3 months. Since the final report under Section 173 Cr.P.C. has already been presented against him, no purpose would be served by keeping the petitioner behind bars.

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.

22.03.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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