

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14753-2024
DECIDED ON: 10.04.2024

SUKHWINDER SINGH @ SUKHI
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Munish Raj Chaudhary, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for the grant of regular bail to the petitioner in case FIR No. 1, dated 01.01.2024, under Sections 379-B, 411 and 34 IPC, registered at Police Station City Barnala, District Barnala.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, as in the present case identification parade was not done. It is further submitted that investigation is complete and recovery has already been effected.
3. Custody certificate of the petitioner filed by learned State counsel is taken on record. He prays for dismissal of the present petition urging that on the basis of disclosure statement of the petitioner along-with co-accused, 5 mobile phones were recovered, out of which two mobile phones were recovered from the possession of the petitioner meaning thereby, the petitioner has actively participated

in commissioning of offence.

4. Heard, learned counsel for the respective parties.
5. Be that as it may, considering the fact that no recovery is to be effected from the petitioner, who has already suffered incarceration of 3 months and 7 days and is having clean antecedents, as is evident from the custody certificate added with the fact that investigation is complete meaning thereby, custodial interrogation of the petitioner is not required and the conclusion of trial shall take considerable time, no useful purpose would be served by keeping the petitioner behind bars for an indefinite period, which would also violate the principle of right to speedy trial and expeditious disposal as enshrined under Article 21 of Constitution of India.
6. In view of the discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, concerned.
7. The present petition is, hereby, allowed.
8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

10.04.2024

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No