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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16294-2024

Date of Decision: 09.04.2024

Kanhaiya alias Kanhiya

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Saurav Kanojia, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, 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.145 dated 26.11.2023 registered under Sections 326, 506, 148, 149 of IPC, at Police Station Sarabha Nagar, District Ludhiana.
2. Learned counsel for the petitioner contends that the FIR in the present case was ordered to be registered after an unexplained delay of 14 days and no specific role/injury has been attributed to the present petitioner. He further contends that the petitioner was arrested in the present case on 22.12.2023 and is in custody since then. After completion of the investigation, challan has already been presented before the Court. He next contends that similarly placed co-accused Shanker has already been granted the concession of regular bail by this Court vide order dated 28.02.2024 passed in CRM-M-8352-

2024 (Annexure P-3) and the custody of the petitioner will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail, by this Court.

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

5. The petitioner was arrested in the present case on 22.12.2023 and is in custody since then. Apart from that, similarly placed co-accused Shanker has already been granted the concession of regular bail by this Court vide order dated 28.02.2024 (Annexure P-3). The investigation has already been completed in the present case and out of total 13 witnesses, no witness has been examined so far. Thus, the conclusion of the trial may take quite a long time and further custody of the petitioner will not serve any meaningful purpose.

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.

09.04.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No