



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-18320-2024 (O&M)
Date of Decision:- 22.07.2024

VICKY MASIH
....Petitioner(s)
Versus

STATE OF PUNJAB
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Subhash Kumar, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

Short reply dated 20.07.2024 filed in the form of an affidavit of Assistant Commissioner of Police, Ludhiana (Central) is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
191	21.12.2022	379-B and 34 IPC	Divison No.3, District Ludhiana

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He



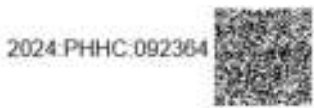
contends that the petitioner had been falsely implicated in case FIR No.19 dated 02.02.2023 registered under Section 379-B, 411 and 34 IPC P.S. Jamalpur, Ludhiana, thereafter the instant FIR was planted upon him. He submits that the petitioner is in custody since 02.02.2023, although no recovery has been effected from him in the present case. He further submits that the petitioner has already been granted the concession of bail in the aforesaid FIR No.19 (*supra*) and challan in the present case has already been presented in Court. Hence, prayed for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel on instructions from ASI Gamdoor Singh has not disputed the factual matrix and admitted that the no recovery was effected from the petitioner in the present case. He further submits that out of 20 witnesses cited by the prosecution, none has been examined till date.

6. Heard.

7. After considering the respective submissions and perusing the record, it transpires that the petitioner was arrested in the instant FIR on the allegation of the complainant to the effect that on 21.12.2022, while she was coming to her house, two young persons came on a motorcycle from backside and the person sitting on the pillion snatched her ear-rings. Consequent upon the arrest of the petitioner in case FIR No.19 (*supra*), he was nominated in the present case and since then he is in custody. Admittedly, the petitioner is in custody since 02.02.2023 and after the completion of investigation, challan has already been presented in the Court.

The prosecution has cited 20 witnesses but till date none has been examined.



Although, the petitioner is having some other cases registered against him, but that *ipso facto* will not dis-entitle him from grant of bail in the present case. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

8. Keeping in view the facts and circumstances and that no recovery has been effected from the petitioner in the present FIR, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate 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.

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

10. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

22.07.2024
S.Sharma(syr)

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