

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.20786 of 2024
Date of Decision: 01.05.2024

RAJU KUMAR ALIAS RAJUPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Lakshay Bector, Advocate
for the petitioner.
Mr. Rahul Jindal, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.119 dated 30.05.2022 registered under Section 392 IPC and Sections 25 & 27 of Arms Act (Sections 397 & 34 IPC and Sections 54 & 59 of Arms Act added later on) at Police Station Focal Point, District Ludhiana.
2. Learned counsel for the petitioner submits that the petitioner has been implicated with the allegations of having threatened the complainant and extorted a sum of Rs.1 lakh along with mobile phone from him.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel by referring to the antecedents of the petitioner, who is stated to be involved in two more cases of similar nature.
4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.
5. In the present case, the investigation already stands concluded with the filing of challan followed by framing of charges. Petitioner is behind the bars

for the last 01 year, 10 months and 10 days. None of the prosecution witness has been examined so far and, thus, the trial is likely to take sometime in its culmination. As regards the other pending cases, it has been pointed out that in all those cases the petitioner was implicated on the basis of disclosure statements made by the co-accused after he was arrested in the present case except in one FIR which was recorded on 10.06.2022, wherein he was arrayed as an accused by name. Moreover, the petitioner volunteers to compensate the complainant as an interim measure for a non-refundable sum of Rs.30,000/- without prejudice to his rights in the trial.

6. Considering the fact that the petitioner has already suffered incarceration for a period of 01 year, 10 months and 10 days, I do not find any justification to extend the incarceration of the petitioner.

7. Accordingly, without expressing any opinion 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 adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate and upon deposit of non-refundable sum of Rs.30,000/- without prejudice to his rights during trial, with the Trial Court at the time of his release, which shall be released in favour of the complainant upon due verification.

8. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

May 01, 2024
Atik

(HARKESH MANUJA)
JUDGE

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