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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-34778 of 2023

Date of decision:- 25.01.2024

MUNISH TANEJA

Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 24.01.2024, the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. The instant second petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0246	29.09.2022	419, 420, 467, 468, 471, 199, 200, 205, 120-B IPC	Division No.5, District Ludhiana.

3. It is *inter alia* contended by learned counsel for the petitioner

that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner is in custody since 13.12.2022, challan has already been presented in Court, charges have been framed on 09.06.2023 and prosecution has cited 10 witnesses and till date none of them have been examined, as such he prays for grant of concession of bail to the petitioner.

4. Learned State counsel has opposed the bail application by arguing that considering the nature and gravity of the offence, petitioner is not entitled for concession of bail. However, he has not controverted the factual matrix of the case.

5. After considering the rival contentions and perusing the record, it transpires that petitioner is in custody since 13.12.2022. Challan has been presented in the Court and charges have been framed on 09.06.2023 and out of 10 witnesses cited by the prosecution none of them has been examined till date. Petitioner is not required for further investigation, his criminal liability, if any, would be ascertained after conclusion of trial, in the present case triable by the Court of Magistrate, which may take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

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

(SANJIV BERRY)
JUDGE

25.01.2024

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