

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

218/1

CRM-M-34332-2023 (O&M)
Date of Decision:- 10.04.2024

GURSHARANDEEP SINGH

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. A.S. Gulati, Advocate for
Mr. Ankit Chauhan, Advocate for the petitioner.

Mr. Japjot Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

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
207	19.06.2022	457, 380, 506, 323, 34 IPC; (458, 411, 201, 394, 379-B, 342 IPC added and 457 IPC deleted later on);	Derabassi, District SAS Nagar Mohali

2. 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 submits that petitioner is in custody since 08.01.2023 and allegedly one gold chain has been effected from him. He submits that challan has already been presented in Court and out of 16 witnesses cited by the prosecution, none

has been examined till date. He submits that petitioner is in custody for more than 15 months and the conclusion of trial will take sufficient long time, thus he prays for grant of regular bail to the petitioner.

3. Learned State counsel on instructions from ASI Gaurav Sharma has admitted the factual matrix, however, has prayed for dismissal of the bail petition considering the nature and gravity of offence.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that the instant case was registered against the petitioner and co-accused on the allegations that they have committed theft in the house of the complainant after giving him beatings and had stolen the articles belonging to him. Admittedly, the petitioner was arrested on 08.01.2023 and from his possession, one gold chain was allegedly recovered. After the completion of investigation, challan has been presented in Court. The prosecution has cited 16 witnesses but none has been examined till date. The petitioner cannot be left to incarcerate in jail for indefinite period as 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.

6. In these circumstances, 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.

7. Any observation made above shall not be construed as opinion
of this Court on the merits of the case.
8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)

JUDGE

10.04.2024

S.Sharma(syr)

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