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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-47458 of 2023
Date of decision:- 26.02.2024

NEERAJ KUMAR @ NONA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned counsel for the State filed reply by way of affidavit dated 05.02.2024 of Assistant Commissioner of Police, Sub-Division Central, Jalandhar along with custody certificate dated 24.02.2024, the same are taken on record. Copies thereof has been supplied to the counsel opposite.

2. 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 in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
34	31.01.2022	326, 324, 364, 506, 323, 325, 148, 149, 34 IPC	Rama Mandi District Jalandhar

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

that the petitioner is in custody in the 18.02.2023 and no recovery has been effected from him. He submits that the petitioner has been arrayed as accused on the basis of his own disclosure statement in another case wherein he is already granted concession of bail. He contends that no recovery has been effected from the petitioner on the basis of disclosure statement in the present case. He submits that the conclusion of trial will take sufficient long time, as such he prays for grant of concession of bail to the petitioner.

5. Per contra, learned State counsel has not disputed the factual matrix of the case and submits that no recovery has been effected from the petitioner in the present case. Learned State counsel has also not disputed the fact of grant of concession of bail to the petitioner in FIR No.176, dated 24.06.2022, under Section 307, 506, 148, 149, 120-B IPC and Section 25, 27 of Arms Act, Police Station Rama Mandi, District Jalandhar. He further submits that prosecution has cited 8 witnesses and none of them have been examined till date.

6. After considering the rival contentions and going through the record, it is observed that the petitioner was nominated in the present case on the basis of his own disclosure statement made in the another FIR No. 176 dated 24.06.2022. In pursuance thereto, petitioner was arrested in the present case, but no recovery has been effected from him. Petitioner is in custody since 18.02.2023, challan has already been presented in the Court and prosecution has cited 8 witnesses and till date none of them have been examined and petitioner is already granted concession of bail in FIR No.176 dated 24.06.2022. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no purpose would be

served by detaining petitioner in custody any longer.

7. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by 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.

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

(SANJIV BERRY)
JUDGE

26.02.2024

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No