

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-47755-2023
Date of decision: 21.02.2024

Bobby SarariPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Kuldip Singh, Advocate, for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

1. Custody certificate dated 20.02.2024 filed by learned State counsel in Court today is taken on record.
2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
73	02.05.2023	379 IPC 411 and 413 IPC added lateron	City Fazilka, District Fazilka.

3. It is, *inter alia*, contended by learned counsel for the petitioner that petitioner has been falsely implicated in this case, who is in custody since 02.05.2023. He contends that the petitioner has no concern whatsoever with the stolen motorcycle but a false case has

been planted on him. He further contends that although the petitioner has been implicated in some other case but he is on bail therein. He further contends that challan in this case has already been presented in the Court and as such, petitioner is not required for further investigation and prays for grant of bail.

4. *Per contra*, learned State counsel, has not disputed the factual matrix of the case and has tendered the custody certificate dated 20.02.2024, a perusal thereof shows that the petitioner has spent more than 09 months and 22 days in custody.

5. From the perusal of the record and considering the arguments advanced by learned counsel for both the parties, it transpires that after the arrest of the petitioner on 02.05.2023, the recovery of two motorcycles is stated to have been effected from him; after completion of investigation, challan has already been presented and wherein 16 witnesses have been cited by the prosecution, admittedly, no witness has yet been examined in the present case, which is triable by the Court of Magistrate. The conclusion of trial to ascertain the criminal liability, if any, will take sufficient long time and in these circumstances, no purpose would be served in detaining the petitioner in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be

released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

6. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

8. Petition stands allowed.

21.02.2024
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(SANJIV BERRY)
JUDGE

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