



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

256**CRM-M-51039-2024****Date of decision: 22.10.2024****SATNAM SINGH ALIAS NIKKA**

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rahul Rana, Advocate, for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.22 dated 20.01.2023 under Sections 379-B(2), 34 of the IPC registered at Police Station Haibowal, District Ludhiana.

2. Learned counsel for the petitioner contends that the petitioner has been in custody since 21.01.2023 in a case of false implication. While drawing the attention of this Court to the allegations levelled in the FIR, it has been submitted that secret information was received qua the petitioner and his co-accused that they were drug addicts and had been indulging in theft of mobile handsets after putting people under fear. Subsequently, on the basis of the alleged secret information, the petitioner was apprehended by the police on 21.01.2023. Learned counsel submits that the petitioner has never been involved in any cases of theft which leaves no manner of doubt about his false implication. It has also been submitted that after the



challan was presented on 31.03.2023, charges were framed on 05.10.2023, however, till date none of the 13 prosecution witnesses cited had been examined. It has also been asserted by the learned counsel that since all the witnesses cited by the prosecution are police officials, there can be no apprehension of the petitioner tampering with the evidence much less trying to intimidate/influence the witnesses. Hence, his further incarceration in the present case would serve no useful purpose as the trial would take considerable time to conclude. It has been prayed that the petitioner be put to stringent conditions while being extending the concession of bail.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by learned counsel opposite, has not disputed the custody period of the petitioner and also the stage of trial. It has been submitted that the next date fixed before the trial Court is 25.11.2024 when the prosecution evidence is likely to commence. Learned State counsel, on instructions, has also not disputed that the petitioner has previously not been involved in any case of identical nature however, it has been submitted that the petitioner was previously booked for an offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 in which he was convicted.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 21.01.2023. The trial is unlikely to conclude anytime in the near future in view of the fact that none of the prosecution witnesses stands examined till date.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

October 22, 2024
poonam

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