



CRM-M-53088-2024

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

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CRM-M-53088-2024

Date of Decision : **October 29, 2024**

SHIVA RAWAT

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Shehbaz Thind, Advocate for the petitioner.
Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner prays for grant of regular bail in case FIR No.185 dated 2.9.2022, Under Sections 381, 411, 34 IPC, registered at Police Station Sarabha Nagar, District Ludhiana.

2. The first bail application of the petitioner was dismissed by this Court vide detailed order dated 14.12.2023 passed in CRM-M-21633-2023.

3. Learned counsel for the petitioner in the asking for the relief (supra) submits that now the petitioner has suffered incarceration of more than 1 year and 9 months as on today and there is no progress in the trial after dismissal of the earlier bail application, which was dismissed about a year back. His main thrust for seeking regular bail is the custody period as well as the fact that all the offences under which the petitioner is facing trial, are triable by the Court of learned Judicial Magistrate 1st Class concerned.

4. The learned State counsel has filed the custody certificate *qua* the petitioner today in the Court, the same is taken on record, which reflects that the petitioner has suffered incarceration of 1 year, 9 months and 3 days as on today and he is a man of clean antecedents, as he is not involved in any other case. He further informs this Court



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after having instructions from the quarter concerned that the final report has been submitted before the learned trial Court concerned on dated 14.3.2023 and the charges have been framed on dated 20.1.2024 and the prosecution has cited total 19 witnesses in the final report but none has been examined so far.

5. Be that as it may, considering the fact that the petitioner has suffered incarceration of 1 year, 9 months and 3 days as on today and he has clean antecedents and after dismissal of his earlier bail application, there is no progress in the trial and also the fact that all the offences under which the petitioner is facing trial, are triable by the Court of learned Judicial Magistrate 1st Class concerned, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

6. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

October 29, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No