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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-57818 of 2023
Date of decision:-13.02.2024

CHAMKAUR SINGH ALIAS CHAMKAUR MASIH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. N.K. Manchanda, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG, 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 in the
following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0029	13.03.2023	420 IPC	Kotbhai, District Sri Muktsar Sahib

2. It is *inter alia* contended by learned counsel for the petitioner
that the petitioner is innocent and has been falsely implicated in this case
which is triable by the Court of Magistrate. He submits that co-accused
Mahna @ Mahna Singh and Shalinder Singh @ Surinder Singh have been
granted concession of regular bail by learned Sessions Judge, Sri Muktsar

Sahib, vide orders dated 05.05.2023 and 01.08.2023 respectively (Annexure P-3 and P-4). He submits that petitioner is in custody since 14.09.2023, challan has been presented in Court and charges have been framed and out of 24 witnesses cited by the prosecution none of them have been examined till date, as such he prays for grant of concession of bail to the petitioner.

3. Per contra learned counsel for the State has filed reply by way of affidavit dated 12.02.2024 of Deputy Superintendent of Police, Sub-Division Gidderbaha, District Sri Muktsar Sahib and contends that considering the nature and gravity of offence petitioner does not deserve concession of bail. However he has not controverted the factual matrix of the case.

4. After considering the arguments and perusing the record, it transpires that co-accused Mahna @ Mahna Singh and Shalinder Singh @ Surinder Singh have been granted concession of regular bail by learned Sessions Judge vide orders dated 05.05.2023 and 01.08.2023 respectively (Annexure P-3 and P-4). The petitioner is in custody since 14.09.2023, challan has been presented in Court and charges have been framed, and out of 24 witnesses cited by the prosecution none of them have been examined till date, and the conclusion of case which is triable by the Court of Magistrate will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no purpose would be served by keeping petitioner behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in 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/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.

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

(SANJIV BERRY)
JUDGE

13.02.2024

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