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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61315-2023
Date of decision: 13.03.2024

SUKHBIR SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. K. S. Mahey, Advocate
for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.79 dated 30.08.2018, under Sections 420, 120-B and 506 of the IPC, registered at Police Station Sadar Malout, District Sri Muktsar Sahib, Punjab.
2. Learned counsel for the petitioner submitted that the petitioner is in custody for 2 years, 4 months and 15 days and the investigation of the case has been completed and thereafter, challan has been presented before the competent Court on 24.11.2021 but till date charges have not been framed in the present case. He further submitted that more than two years have elapsed after the presentation of challan that even charges have not been framed in the present case. He also submitted that the present is a case which is triable by Magistrate and the petitioner has already faced incarceration for 2 years, 4 months and 15

days and although, there are some more cases against the petitioner under Sections 420 and 120-B of the IPC but in most of the cases, he has been released on bail. He further submitted that the allegation against the petitioner was pertaining to extraction of Rs.10,00,000/- from the complainant on the pretext of providing a Government job but the present case being a case which is triable by Magistrate and the petitioner has already faced incarceration for 2 years, 4 months and 15 days, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Adeshwar Singh Pannu, AAG, Punjab submitted that the petitioner is in custody for 2 years, 4 months and 15 days and charges have not been framed till date by the learned trial Court. He has however opposed the grant of regular bail to the petitioner on the ground that the petitioner is a habitual offender and is involved in about 13 more cases of similar nature.

4. I have heard the learned counsel for the parties.

5. The petitioner is in custody for 2 years, 4 months and 15 days. The investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court on 24.11.2021 but charges in the present case have not been framed till date. The present is a case which is triable by Magistrate. The mere fact that the petitioner is involved in some more cases of similar nature cannot become a ground for denial of regular bail to the petitioner considering the aforesaid facts and circumstances where the custody of the petitioner is very large and even charges have not been framed till date by the learned trial Court.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to

furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

13.03.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No