

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-61705-2023 (O&M)
Date of decision: 14.02.2024

Mohammad Fizan.....Petitioner.

Versus

State of Punjab....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Chajju Khan, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Mr. Gaurav Pathania, Advocate,
for the complainant.

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SANJIV BERRY, J. (ORAL)

1. Custody certificate dated 13.02.2024 filed by learned State
counsel 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-2). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
131	19.09.2023	420, 406 IPC and 13 of Punjab Travel Professional (Regulation) Act, 2014	Division 2, Panthakot, Punjab.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is in custody since 20.09.2023 and the challan has already been presented in the Court.

4. *Per contra*, learned State counsel, referring to the short reply dated 07.02.2024, filed in the form of affidavit of Deputy Superintendent of Police, Sub Division City, District Pathankot, submits that challan has already been presented; charges framed and out of 13 witnesses none has been examined as of now, however, he does not dispute the factual matrix of the case.

5. Considering the respective arguments and perusing the record, it transpires that the petitioner is in custody since 20.09.2023, charges have been framed and challan presented in this case and admittedly, out of total 13 witnesses cited by the prosecution, none has been examined till date, the conclusion of trial in the present case which is triable by the Magistrate will take sufficient long time and in these circumstances, it is observed that 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.

9. Pending miscellaneous application, if any, also stands disposed of.

14.02.2024
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(SANJIV BERRY)
JUDGE

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