

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-61189-2023 (O&M)
Date of decision: 13.02.2024

Paramjit Singh @ PammaPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Rakesh Dhiman, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

CRM-6521-2024

1. The instant application under Section 482 Cr.P.C. has been filed by the petitioner for placing on record the amended petition.
2. Heard.
3. Keeping in view the averments made in the application, the same is allowed.
4. Amended petition is ordered to be taken on record.
5. Registry to do the needful.
6. CRM stands disposed of.

MAIN CASE

1. Reply dated 13.02.2024 in the form of an affidavit of Assistant Commissioner of Police (East), Ludhiana, has been filed. The

same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Custody certificate dated 12.02.2024 filed in Court today. The same is taken on record. Copy thereof has been supplied to the opposite counsel.

3. 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-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
208	15.05.2023	380, 457 IPC	Division No. 7, District Police Commissionerate, Ludhiana

4. 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 16.10.2023 and challan has already been presented in the Court. He further contends that it will take sufficient long time for the prosecution to conclude the trial as till date no PWs have been examined. Hence, he prays for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted dated 13.02.2024 (*supra*) has submitted that on the basis of disclosure statement made by the petitioner recovery of stolen property was effected, as such, the petitioner is not entitled to concession of bail.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner has been in custody since

16.10.2023 in the present case which is triable by the Court of Magistrate; challan has already been presented in the Court and the criminal liability, if any, of the petitioner can only be ascertained after the conclusion of trial which may take sufficient long time and in these circumstances, as observed, no purpose would be served in keeping 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.

7. 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.

8. 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.

9. Petition stands allowed.

13.02.2024
preeti

(SANJIV BERRY)
JUDGE

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