

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-61666 of 2023(O&M)
Date of decision:- 30.01.2024

PAWANDEEP

....Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Mansur Ali, Advocate with
Mr. Tushaar Madan, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 29.01.2024, the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0006	10.01.2023	420, 406, 120-B IPC	Kiratpur Sahib, District Rupnagar.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present

case simply because he was employee along with co-accused Anwar Khan. He submits that the amount in question was not received by the petitioner. He submits that the petitioner is in custody since 23.05.2023 and during course of trial 5 material witnesses have been examined but none of them have uttered anything incriminating against the petitioner, as such he prays for grant of concession of bail to the petitioner.

4. *Per contra* learned State counsel has opposed the bail application by arguing that there are serious allegations against the petitioner. He further submits that as per custody certificate dated 29.01.2024 petitioner is in custody for 8 months 10 days and no other case is there against the petitioner.

5. After considering the rival contentions and perusing the record, it transpires that petitioner along with co-accused Anwar Khan were arrested in the FIR (Annexure P-1) on the complaint lodged by Ankit Kumar and others that they had taken amount from them for procuring job. The petitioner was arrested on 23.05.2023 and after completion of investigation challan was presented in Court and trial commenced and during course of which admittedly the prosecution has examined 5 material witnesses i.e. alleged complainants/victims but none of them has uttered anything incriminating against the petitioner and have infact given clean chit to petitioner. As per custody certificate there is no other case pending against the petitioner and he is in custody since 24.05.2023 in the present case triable by the Court of Magistrate. The conclusion of trial may take sufficient long time to ascertain criminal liability, if any of the petitioner and no useful purpose would be served by keeping the petitioner behind bars any

longer.

6. 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 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.
7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
8. Pending application(s) if any, shall also stands disposed of.

(SANJIV BERRY)

JUDGE

30.01.2024

Gyan

- i)

Whether speaking/reasoned?

Yes/No
- ii)

Whether reportable?

Yes/No