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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-2773 of 2024

Date of decision:- 24.01.2024

SUKHJINDER PAL SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Vipin Kumar, Advocate
for the petitioner.
Mr. Harpeet Singh, Addl. AG, Punjab

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 23.01.2024, 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 in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
05	15.01.2016	420 IPC	Talwara, District Hoshiarpur.

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 submits that the petitioner was arrested in the present case on 11.10.2023 He submits that challan has already been presented in Court and prosecution has cited 19 witnesses and till date none of them has been examined, as such he prays for grant of concession of bail to the petitioner.

4. Learned State counsel has opposed the bail application by arguing that considering the nature and gravity of the offence, petitioner is not entitled for concession of bail. However, he has not controverted the factual matrix of the case that it is triable by the Court of Magistrate.

5. After considering the rival contentions and perusing the record, it transpires that petitioner was arrested in the present case on 11.10.2023. Challan has already been presented in the Court on 18.11.2023 and out of 19 witnesses cited by the prosecution, none of them has been examined till date. It is not disputed that the case is triable by a Court of Magistrate and the conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time 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.

24.01.2024

Gyan

i)

Whether speaking/reasoned?

Yes/No

ii)

Whether reportable?

Yes/No

(SANJIV BERRY)

JUDGE