

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

208

CRM-M-64379-2023 (O&M)
Date of Decision:- 05.01.2024

GULAB SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Kamal Narula, Advocate for the petitioner.

Mr. Harpreet Singh, Additional AG Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
186	15.09.2023	379 IPC; 21 of the Mines and Mineral (Development and Regulations) Act 1957	Sadar Fazilka, District Fazilka

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case due to party faction. He submits that the petitioner is in custody since 16.09.2023 and challan has already been presented. He further submits that although the petitioner has been involved in other similar cases by the Police, however, he is on bail in all those cases except FIR No.287/2020. He thus prays for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel submits that although challan stands presented in this case but the petitioner is not entitled to the concession of bail as he is having 7 more cases registered against him. He has, however, not disputed the fact that the petitioner has been granted bail in other cases except FIR No. 287/2020.

4. Heard.

5. Considering the respective submissions and perusing the record, it transpires that the present FIR was registered against the petitioner on the basis of secret information that he was carrying sand on his tractor-trolley for the purpose of selling it in an illegal manner.

6. Admittedly, the petitioner has been arrested on 16.09.2023 and since then he is in judicial custody. After the conclusion of investigation, challan has been presented in the Court and charges stand framed. As per learned State counsel out of the 8 witnesses cited by the prosecution, none has yet been examined. In these circumstances, the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate 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.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s), if any, shall stand disposed of.

(SANJIV BERRY)
JUDGE

05.01.2024
S.Sharma(syr)

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