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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-720 of 2024

Date of decision:- 13.02.2024

ARSHPREET SINGH @ ARSHDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Kanwaljeet Singh Brar, Advocate  
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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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 in the following case (Annexure P-1):-

| FIR No. | Dated      | Sections                       | Police Station                |
|---------|------------|--------------------------------|-------------------------------|
| 65      | 14.03.2023 | 406, 420, 120-B and 201<br>IPC | Kharar, District SAS<br>Nagar |

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case triable by the Court of Magistrate. He submits that co-accused Vijay Kumar, Sukhvir Kaur and prabjit Singh have been granted concession of bail by this

Court vide orders dated 28.11.2023 and 07.11.2023 respectively (Annexure P-3 to P-5). He submits that petitioner is in custody since 12.05.2023, challan has been presented in Court and charges have been framed on 12.08.2023, and out of 29 witnesses cited by the prosecution none of them have been examined till date, as such he prays for grant of concession of bail to the petitioner.

3. Per contra learned counsel for the State has filed reply by way of affidavit dated 13.02.2024 of Deputy Superintendent of Police , Kharar-I, District S.A.S. Nagar (Mohali) and contends that considering the nature and gravity of offence petitioner does not deserve concession of bail. However he has not controverted the factual matrix of the case.

4. After considering the arguments and perusing the record, it transpires that co-accused Vijay Kumar, Sukhvir Kaur and Prabhjit Singh have been granted concession of bail by this Court vide orders dated 28.11.2023 and 07.11.2023 respectively (Annexure P-3 to P-5). The petitioner is in custody since 12.05.2023, challan has been presented in Court and charges have been framed on 14.08.2023, and out of 29 witnesses cited by the prosecution none of them have been examined till date, and the conclusion of case which is triable by the Court of Magistrate will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no purpose would be served by keeping petitioner behind bars any longer.

5. 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/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.

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

(SANJIV BERRY)  
JUDGE

13.02.2024

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