



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

215

CRM-M-59478-2024

Decided on : 16.01.2025

Som Parkash alias Som Prakash alias Bhalla

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Monty Goyal, Advocate
for the petitioner(s).

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Instant petition has been filed under Section 483 of BNSS, 2023, by the petitioner – Som Parkash @ Som Prakash @ Bhalla, for seeking regular bail, who has been booked for having committed the offences punishable under Section 318(4) of BNS, 2023 and Section 13-A(3) of Gambling Act, 1867, in case FIR No. 122, dated 17.10.2024, registered at Police Station Nathana, District Bathinda, during the pendency of trial.

2. In the present case, admitted stand of the counsel for the petitioner as well as the learned State counsel are that;

- (i) All the offences are triable by the Court of Magistrate;
- (ii) Investigation in the case *qua* the petitioner has already been completed and thereupon, final report has also been submitted. However, charges are yet to be framed to proceed further with the course of trial;
- (iii) Petitioner is inside jail for the last more than 02 months and 27 days, from whom an amount of Rs.24.00 lacs were recovered.

3. By taking into consideration all the aforementioned undisputed



aspects, this Court finds that in the cases, which are triable by the Court of Magistrate and trial is not likely to be concluded in the near future, liberty of the accused cannot be curtailed for indefinite period, except due to some exceptional circumstances, as enumerated under Section 437(6) of BNSS, 2023.

4. Resultantly, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

5. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

6. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

7. Besides, it is also clarified that in case petitioner is directly found indulge in similar kind of activities, the present bail order would be deemed to be cancelled automatically.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 16, 2025

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No