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

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**CRM-M No.3326 of 2025
Date of Decision: 16.05.2025**

Harjit Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vivek Salathia, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail in case arising out of FIR No.63 dated 13.05.2024 registered under Sections 408 and 120-B of IPC (Section 420, 465, 467, 471 and 201 of IPC added later on) (Section 411 of IPC deleted later on) at Police Station Moti Nagar, District Police Commissionerate Ludhiana. His previous petition had been dismissed vide order dated 27.09.2024 as passed by this Court.

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis

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of statement recorded by the complainant Majorjit Singh who was running a transport business alleging that iron rods were got loaded in two trucks belonging to his transport company. The petitioner and co-accused Harwinder Singh were drivers of those trucks. The iron rods were sent to one Megh Engineering Infrastructure Limited at Kathua, Jammu & Kashmir but the same were not delivered there and the inquiry revealed that the petitioner in connivance with some employees of above named company and co-accused had misappropriated the iron rods loaded in truck. The petitioner had been arrested on 14.05.2024.

3. It is argued by learned counsel for the petitioner that he is in custody since long. A compromise has been arrived at between the complainant and the co-accused which has been reduced into writing. Investigation stands completed. Trial would take time. The petitioner himself is a victim. Co-accused Tarun Sharma, Kashmira Khan and Manpreet Singh @ Mani have since been extended benefit of bail. On parity, he too deserves to be released on bail. Accordingly, it is urged that the petition deserves to be allowed.

4. Per contra, learned Assistant Advocate General, Punajb has argued that since the previous petition of the petitioner had been dismissed on merits and no new or substantive ground has been made out for allowing this petition, therefore, the same is liable to be dismissed.

5. This Court has considered the rival submissions.

6. The petitioner is in custody since 14.05.2024. The co-accused

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Tarun Sharma, Kashmira Khan and Manpreet Singh @ Mani have been extended benefit of bail. The subject offences are triable by Magistrate. No prosecution witness has been examined so far and trial is likely to take time. The prolonged period of custody amounts to change in the circumstances. Keeping in view the above discussed facts, it is held that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

16.05.2025
Parveen Sharma

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No