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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-20520-2024 (O&M)
Date of Decision: 30.04.2025

Shiv Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. S.S.Thakur, Advocate for the petitioner.

Mr. S.S.Chahal, AAG, Punjab.

Mr. Varun Goyal, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for grant of bail pending trial to the petitioner in FIR No.137 dated 21.11.2023, registered under Sections 448, 420, 465, 468, 471 and 120-B of Indian Penal Code, 1860 (for short, 'IPC'), at Police Station City Nakodar, District Jalandhar Rural.

2. Allegations are that petitioner along with other co-accused in criminal conspiracy with each other forcibly took possession of house from Piara Singh and also cheated complainant party by forging documents *qua* said house.

3. Contends that is in custody since 06.03.2024; final report under Section 173 of Code of Criminal Procedure, 1973 has already been presented on 05.05.2024; charges were framed on 03.10.2024; but out of



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total 32 prosecution witnesses, none has been examined till date. Lastly contended that conclusion of trial will take sufficient long time; thus, further incarceration of the petitioner would not serve any purpose.

4. *Per contra*, learned State counsel as well as learned counsel for the complainant vehemently opposed the prayer while submitting that allegations against the petitioner are serious in nature; hence, he does not deserve the concession of bail pending trial.

5. Heard and perused the paper-book.

6. Concededly, petitioner is in custody since 06.03.2024; final report under Section 173 of Code of Criminal Procedure, 1973 has already been presented on 05.05.2024; charges were framed on 03.10.2024; but out of total 32 prosecution witnesses, none has been examined till date. As the conclusion of trial may take sufficient long time; therefore, further incarceration of the petitioner would not serve any purpose.

7. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

9. The above observations be not construed as an expression of opinion on the merits of the case.

10. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.



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Pending application(s), if any, shall also stand disposed off.

30.04.2025

Rajeev (rvs)

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No