

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

CRL. MISC. No.M-15478 OF 2015
DATE OF DECISION : 18th MAY, 2015

Baljinder Singh @ Banti

.... Petitioner

Versus

State of Punjab

.... Respondents

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. L. S. Sidhu, Advocate for the petitioner.

Mr. Yogesh Gupta Assistant Advocate General, Punjab.

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SURINDER GUPTA, J. (ORAL)

1. Heard.
2. Notice of motion.
3. On the asking of the Court, Mr. Yogesh Gupta Assistant Advocate General, Punjab, who is present in court, accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.
4. Learned counsel for the petitioner submits that the petitioner was neither named in the FIR nor any recovery has been effected from him and he has been implicated because of the two other FIRs registered against him bearing FIR Nos.16 and 17 both dated 04.02.2015 registered at Police Station City South Moga.
5. Learned State counsel argues that in another case bearing FIR No.18 dated 05.02.2015 registered at Police Station City South, Moga for the offence punishable under Sections 399 and 402 IPC, the petitioner has made confessional statement about the occurrence of this case.

6. As per the prosecution version, on 24.01.2015 at about 9.00pm a person came to the complainant, who was employee of Goyal Oil Store (petrol pump) and demanded a bottle for taking petrol. Thereafter, two persons with muffled faces also came and snatched ₹5,000/- and two mobile phones at pistol point. The petitioner was arrested in this case on 13.02.2015 and is in judicial custody. Challan has since been presented in this case on 08.04.2015.

7. Without expressing any opinion on merits of the case, but keeping in view the fact that no recovery in this case was effected from the petitioner, the present petition is allowed. Petitioner-Baljinder Singh alias Banti is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of Learned Chief Judicial Magistrate/Duty Magistrate, Moga subject to following terms:

- (i) The accused shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous permission of the Court.

18th May, 2015
'raj'

(SURINDER GUPTA)
JUDGE