

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

CRM-M-41266-2015

Date of decision: 10.12.2015

Gurpreet Singh @ Mona

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. P.P.S. Brar, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.161 dated 07.10.2015 under Sections 379, 382, 411, 420, 467, 468, 471 IPC, registered at Police Station Nehianwala, District Bathinda.

Learned counsel for the petitioner submits that petitioner was bonafide purchaser of the trailer for due consideration and later on, the said trailer was found to be a stolen one. He further submits that in such a situation, the only offence, if at all, would be made out against the petitioner, that would be under Section 411 IPC. He also submits that petitioner was not named in the FIR and he was sought to be implicated on the basis of a disclosure statement suffered by his co-accused which would have hardly any evidentiary value. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Nirmaljeet Singh, Police Station Nehianwala, Bathinda, submits that once on the basis of disclosure statement suffered by the co-accused of

the petitioner, petitioner has been arrested and trailer has been recovered from him, such a disclosure statement would be admissible in evidence. He prays for dismissal of the present petition.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is undisputed on record that petitioner was not named in the FIR. His name came to be disclosed by his co-accused. Further, since the charges are yet to be framed, conclusion of trial will take time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the case of either side at a later point of time, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

10.12.2015
vishnu