

**Sr. No. 210
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No. M-8887 of 2015
Date of Decision: 01.09.2015**

Sukhwinder Singh @ Hathora

--Petitioner

Vs

State of Punjab

--Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. G.S.Simble, Advocate,
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G.Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 16 dated 11.01.2012 under Sections 395 IPC and 25/54/59 of Arms Act, registered at Police Station Civil Lines Amritsar, District Amritsar.

Learned counsel for the petitioner submits that petitioner was not named in the FIR. He was sought to be implicated in the present case only on the basis of disclosure statement suffered by his co-accused and that too, without any recovery from the petitioner. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that there are 07 other cases registered against the petitioner which shows that he is a habitual offender. He submits that although there is no recovery effected from the petitioner in the present case yet he is not entitled for concession of bail because offence is of serious

nature. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for bail pending trial.

It is matter of record that petitioner was not named in the FIR. It is also not in dispute that pursuant to the disclosure statement made by his co-accused, although petitioner was arrested yet no recovery was effected from him .

In view of the above and without commenting any further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, present 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

01.09.2015
vandana