

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

CRM No.M-9068 of 2015 (O&M)

Date of decision:28.04.2015

Amit Arya

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. N.S. Sodhi, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking the concession of regular bail to the petitioner in case FIR No.153 dated 19.10.2014 under Sections 399/402 IPC, registered at Police Station Division No.5 Jalandhar, District Jalandhar.

Counsel for the parties have been heard.

FIR in question was registered on the basis of secret information having been passed to a patrolling party against a number of persons including the present petitioner, namely, Amit Arya as regards a criminal gang having been formed with an intention to commit robbery and dacoity in Jalandhar City.

Learned State counsel would oppose the prayer for grant of regular bail to the petitioner by submitting that during the course of investigation, co-accused have suffered a disclosure statement with regard to an attempt having been made to break an ATM machine located near SD College a few days prior to the registration of the FIR. State counsel further

submits that the petitioner is a habitual offender. Two other FIRs i.e. FIR No.150 dated 29.09.2014, under Sections 380/511 IPC, Police Station Bhargo Camp., Jalandhar and FIR No.152 dated 18.10.2014, under Sections 380/511 IPC, Police Station Division No.5, Jalandhar have also been registered against him.

Insofar as FIR No.152 dated 18.10.2014 is concerned, the petitioner is already on bail. It has gone uncontroverted that no recovery was effected from the present petitioner.

As per custody certificate furnished by the learned State counsel, the petitioner has already undergone total custody period of 5 months and 5 days as on 26.03.2015.

Investigation in the present case having been completed, challan was presented on 13.01.2015.

In the totality of circumstances, petitioner is held entitled to the benefit of bail.

Accordingly, prayer is allowed. Petitioner be enlarged on bail subject to the satisfaction of CJM/Duty Magistrate, Jalandhar.

Petition stands disposed of.

28.04.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**