

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

CRM-M No. 16635 of 2016 (O&M)

Date of Decision: 23.05.2016

Kashmir Singh alias Bittu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by SI Parminder Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of Cr.P.C. filed on behalf of the petitioner-accused-Kashmir Singh alias Bittu is for grant of regular bail in case FIR No. 03, dated 02.01.2015, for offences punishable under Sections 379, 411, 420, 467, 468, 471, 472, 473, 120-B of the Indian Penal Code, registered at Police Station B-Division, District Amritsar.

Allegations against the petitioner are that the petitioner-accused alongwith other named accused formed a *gang* involved in steeling vehicles from different places, and, thereafter with the help of co-accused Amritpal Singh alias Amrit, (Clerk, office of District Transport Officer, Amritsar) and co-accused HC-Rachhpal Singh, involved in preparation of forged registration certificates and by affixing fake number plates, sell the same to innocent customers.

There is recovery of twelve stolen vehicles from the possession of the petitioner-accused.

It is contended that the petitioner is in custody since 08.01.2015 and after completion of investigation, the evidence of thirty-five (35) cited prosecution witnesses is yet to commence. The case is stated to be triable by a Magistrate and similarly placed co-accused-Amritpal Singh @ Amrit has since been enlarged on bail by this Court vide order dated 28.03.2016.

Learned State Counsel, assisted by SI Parminder Singh, does not dispute the custody period of the petitioner and the fact that the evidence of thirty-five (35) cited prosecution witnesses is yet to commence. He further states that the petitioner is involved in two other cases, however, does not dispute that identically situated co-accused-Amritpal Singh alias Amrit has been granted bail by this Court vide order dated 28.03.2016.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner; parity of treatment and the case is triable by a Magistrate, no useful purpose would be served by keeping the petitioner-accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

May 23, 2016

'dk kamra'

(JASWANT SINGH)
JUDGE