

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

CRM-M No.24361 of 2016 (O&M)

Date of decision: July 26, 2016

Avinash Kumar @ Ashu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Kawaljyot Singh, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab
for the respondent-State.

JASPAL SINGH, J.(ORAL)

Through this petition under Section 439 of Code of Criminal Procedure, Avinash Kumar @ Ashu-petitioner has sought regular bail in case FIR No.92 dated 19.05.2016, under Sections 379-B/411 of the Indian Penal Code, registered at Police Station Bhargo Camp, District Jalandhar City.

Undisputably, the FIR in question has been registered on the basis of secret information to the effect that the petitioner and some other persons are indulging in snatching and committing theft in a city and different places and now they are riding on a motorcycle bearing No.PB08-BL-5532 and are headed to commit some crime. Further that in case barricades are set up at different places in the city, they can be caught red handed. Accordingly, naqa was laid and the petitioner along with another person were intercepted by the police. On their personal search, three mobiles and one motorcycle were recovered, regarding which, he could not furnish any document of ownership. Petitioner is suffering

incarceration from the date of his arrest i.e. May 19, 2016. After completion of the investigation, report under Section 173(2) Cr.P.C. has already been presented in the Court of jurisdictional Magistrate. Moreover, it is yet to be established whether the mobiles and the motorcycle which have been recovered from the possession of the petitioner are stolen articles especially in the circumstances that at present Investigating Officer has not shown as to whether any FIR has been registered with regard to commission of theft of the aforesaid articles. Otherwise also, the trial will take sufficient long time to conclude. In the given circumstances, it would not be desirable to keep the petitioner behind the bars for an indefinite period.

Taking into consideration all the aspects of the case but without expressing any opinion on merits, petition is allowed and petitioner is ordered to be released on bail at the satisfaction of the concerned trial Court/Duty Magistrate.

July 26, 2016
m. sharma

(JASPAL SINGH)
JUDGE