

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-26593 of 2016

.....

Date of decision:11.8.2016

Ashwini Kumar

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Sunita Nambiar, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C.
for grant of regular bail in case FIR No.118 dated 30.11.2015 registered for
the offences under Sections 382 read with Section 34 IPC and (Section 397
IPC, which was added later on) at Police Station Division No.3, Ludhiana,
District Ludhiana.

Notice of motion to Advocate General, Punjab.

Ms. Shivali, learned Assistant Advocate General, Punjab has
put in appearance on behalf of the respondent-State and contested this
petition. Police record is also available.

I have heard learned counsel for the petitioner as well as
learned Assistant Advocate General, Punjab appearing for the respondent-

State and have gone through the record.

As per allegations in the FIR, three persons; two clean shaven and one with Turban, riding on motorcycle, stopped the complainant and others and threw red chilly powder in the eyes of Satish Kumar, brother of the complainant. Out of them, one tall man attacked with sharp edged weapon on the left arm of the complainant. It is also the allegation that the bag of the brother of the complainant was taken away by those persons. As argued, earlier a habeas corpus petition was filed for releasing the petitioner and his co-accused Naveen Negi and Sunny Jindal and Warrant Officer searched the premises on 10.12.2015 and they were not found. In the reply in that petition, learned State counsel has stated that they were arrested on 11.12.2015 in case FIR No.331 dated 11.12.2015.

From the record, I find that the present petitioner is not named in the FIR. As argued, no identification parade has taken place. The petitioner is not required for interrogation purposes. The co-accused of the petitioner has already been released on bail. The petitioner is in judicial custody since 18.12.2015. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the disposal of the case.

Therefore, keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond in the sum of ₹50,000/- with

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one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

August 11, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No