

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

CRM -M-31811 of 2016 (O&M)

Date of decision: 06.10.2016

Sukhmander Singh @ Nika

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vivek Goel, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by HC Mukhtiar Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 18 dated 23.01.2016, registered under Sections 420, 406, 407 and 120-B of IPC, at Police Station Sadar Fazilka, District Fazilka.

The learned counsel for the petitioner has circulated the photocopy of registration certificate, which is taken on record to contend that the petitioner is not the owner of the truck. The truck is in the name of Jaswinder Singh. The driver of the truck Rajender Singh has already been arrested. The petitioner is in custody since 29.04.2016.

On the other hand, the learned State counsel opposes the prayer of bail and submits that on the last date of hearing, the assertion that the petitioner is the owner of the vehicle in question was raised on the basis of statement of co-accused, Jaswinder Singh who had stated that

he sold the vehicle in question to the petitioner along with Rajinder Singh and Amritpal.

I have heard learned counsel for the parties and perused the record.

Considering the fact that the petitioner is not the owner of the truck in question; he is in custody since 29.04.2016; the challan stands presented; charges have been framed; the conclusion of trial will take a long time, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

06.10.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No