

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

CRM-M No.40005 of 2015

Decided on: 05.01.2016

KAMALPREET SINGH

. . . Petitioner

Versus

STATE OF PUNJAB

. . . Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Harish Goyal, Advocate
for the petitioner.

Ms. Anmol Grewal, Assistant Advocate General,
Punjab.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking the benefit of regular bail to the petitioner in case FIR No.116 dated 09.08.2015, under Sections 382, 411, 34 and 120-B IPC and under Sections 25/27/54/59 of Arms Act, registered at Police Station Lambi, District Sri Muktsar Sahib.

Counsel for the parties have been heard.

FIR was registered on the statement of Om Parkash. The allegations are that on 8th of August, 2015, while the complainant was returning from Delhi and was proceeding to Sri Ganga Nagar in a *Swift Dezire* car, three unknown persons had accosted and under the threat of arms i.e. pistol as also sword, the

car was taken away. The complainant had not named any of the assailants.

The present petitioner is sought to be implicated on the ground that .32 bore revolver along with cartridges were recovered from him on 01.09.2015.

That apart, it has been contended on behalf of the State that even recovery of car has been effected jointly from the present petitioner as also co-accused namely Jaswinder Singh.

The petitioner has been in custody since 01.09.2015.

Learned State counsel upon instructions from ASI Malkiat Singh, would apprise the Court that the investigation in the case is complete and challan has also been presented on 19.11.2015. It has been conceded that till date charges have not been framed. It has also been conceded that co-accused Jaswinder Singh from whom recovery of car has been effected has also been granted the benefit of regular bail.

The trial, as such, would take time to conclude. It is not the case made out on behalf of the State that in case petitioner is granted benefit of regular bail, he would be in position to hamper the course of trial.

In the totality of circumstances and keeping in view the position as regards trial being still at the very initial stage as also in view of the fact that co-accused has also been granted the benefit of regular bail, petitioner is held entitled to the concession of bail.

Petition accordingly, is allowed.

Petitioner be enlarged on bail subject to satisfaction of CJM/Duty Magistrate, Sri Muktsar Sahib.

[TEJINDER SINGH DHINDSA]
JUDGE

01.05.2016
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