

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

CRM-M-42135-2016 (O&M)
Date of decision : 29.11.2016

Harwinder Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Mr. Mehardeep Singh, Addl.A.G., Punjab,
assisted by HC Paramjit Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.152 dated 08.07.2016, registered under Section 392 of the Indian Penal Code; and Sections 25 & 27 of the Arms Act, at P.S. City Jagraon, Distt. Ludhiana Rural.

Contents that the instant FIR was lodged on 08.07.2016, by Inderjit Singh @ Ginni, the driver of the vehicle i.e. Fortuner Car, which was allegedly taken away by some unknown person. Initially, one Kulbir Singh was arrested on 05.08.2016, however, nothing could be elicited and the police filed discharge application, which was allowed. On 25.09.2016, the petitioner was arrested on the basis of suspicion along with one Polo car, owned by Jaswinder Singh, real uncle of the petitioner. No recovery has been effected from the petitioner. He is in custody since 25.09.2016 and not involved in any other FIR.

On the other hand, learned State counsel submits that the petitioner, after his arrested, was identified by the complainant-driver of the vehicle in question. However, he fairly concedes that the petitioner is not involved in any other case in the concerned police station.

Heard.

The petitioner is not named in the FIR. Learned State counsel has not been able to refer to any document on record with regard to service upon the petitioner before passing of order dated 01.03.2005, whereby, he was declared proclaimed offender. The trial qua co-accused already stands concluded. The petitioner is not named in any other FIR.

There is nothing on record as to whether any identification parade was carried out or not. No recovery has been effected from him. The challan is yet to be presented. The petitioner, aged 22 years, is not involved in any other case. He is in custody since 25.09.2016.

Keeping in view the above and without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

29.11.2016
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

ATUL SETHI
2016.11.29 18:05
I attest to the accuracy and
authenticity of this document
Chandigarh

Whether Reportable :	Yes	No
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