

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

CRM No.M-43642-2016 (O&M)

Date of decision: 13.12.2016

Amandeep Singh @ Amana

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Vivek Goel, Advocate for the petitioner (s).

Mr. Mehardeep Singh, Addl. A.G., Punjab
assisted by HC Darshan 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 case FIR No.152 dated 08.07.2016, registered under Section 392 of the Indian Penal Code (for short 'the IPC') and Sections 25 and 27 of the Arms Act, at Police Station 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 co-accused, Harwinder Singh @

Happy. Co-accused, Harwinder Singh @ Happy has already been admitted to bail by this Court. No recovery has been effected from the petitioner. He is in custody since 25.09.2016.

On the other hand, the learned State counsel, on instructions, states that after the arrest of the petitioner he was identified by the complainant-driver of the vehicle in question. He submits that challan is yet to be presented.

Heard.

Considering the facts that there is nothing on record as to whether any identification parade was carried out or not; no recovery has been effected from the petitioner; challan is yet to be presented; co-accused, Harwinder Singh @ Happy has already been admitted to bail; and he is in custody since 25.09.2016, trial is likely to take a long time, therefore, no purpose would be served in keeping the petitioner behind the bars, 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 Chief Judicial Magistrate/Duty Magistrate, concerned.

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

13.12.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No