

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

CRM-M No.11029 of 2018
DATE OF DECISION:18.05.2018

Amandeep Singh @ Sunny

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Kawaljyot Singh, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional AG, Punjab.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.233, dated 19.12.2017, registered under Sections 379-B IPC & 25 of Arms Act at Police Station Mehatpur, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas neither the recovery has been effected from him nor any overt act has been attributed to him. The bail application filed by the petitioner before trial Court has been dismissed only on the ground that 7-8 cases of snatching/theft/robbery are pending against him whereas no case is pending. Petitioner is in custody since 19.12.2017.

Learned State counsel has not disputed the custody period as well as the fact that no case other than the present one is pending.

However, he opposes the submissions made by learned counsel for the petitioner on the ground that the co-accused was the pillion rider of the motor cycle which belongs to the petitioner. Recovery of motor cycle has been effected from the petitioner.

Heard arguments of learned counsel for the petitioner and have also perused the contents of the FIR and other documents available on the file. I have also perused the custody certificate where custody period has been mentioned as four months and twenty five days as on 17.05.2018 but no other case pending against the petitioner has been reflected in the custody certificate.

Undoubtedly, the over act has been attributed to co-accused of the petitioner. The allegation against the petitioner is that he was driving the motor cycle and co-accused was sitting along with him and it cannot be said that the petitioner was having information for commission of offence. No other case is pending against the petitioner and by considering the custody period of approximately five months, the present petition is allowed. The petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

It is made clear that in case the petitioner is found to be involved in some other case of similar nature in future, the State is at liberty to move an application for cancellation of bail granted to the petitioner.

18.05.2018

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(DAYA CHAUDHARY)**JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No