

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

**CRM-M-17527 of 2017 (O&M)
Date of Decision: March 16, 2018**

Kulwinder Singh @ Kinder

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. A.G.Punjab.

FATEH DEEP SINGH, J.

The allegations against the petitioner in this second regular bail application under Section 439 Cr.P.C are that on 23.9.2015 from the possession of petitioner and his co-accused 10 motorcycles, 02 scooters one Kinetic along with .32 bore country made pistol, four live cartridges and one empty cartridge were recovered leading to his arrest.

The contention of learned counsel for the petitioner that the petitioner has undergone substantial incarceration as he has undergone imprisonment out of maximum prescribed sentence of 03 years he has already undergone 02 years and 04 months. The bail is sought to be opposed by learned State counsel on the grounds that huge recovery has been effected from the possession of the petitioner and that he is a habitual offender and if allowed bail would again commit the same offence.

Appreciating the submissions, keeping in view the

substantial period of incarceration that has been undergone by the petitioner for the offences for which he has been hauled up and that the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner behind the bars, and culpability, if any, shall be determined at the time of trial, the present petition stands allowed. The petitioner be admitted to bail to the satisfaction of trial Court.

(FATEH DEEP SINGH)
JUDGE

March 16, 2018

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No