

CRM No.M-23886 & 23917 of 2018(O&M)-1-

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

**Criminal Misc. No.M-23886 of 2018(O&M)
Date of Decision: June 08, 2018.**

Sagar Kumar

Petitioner

Versus

State of Punjab

Respondent

And

Criminal Misc. No.M-23917 of 2018(O&M)

Bhinder Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.D.S.Khurana, Advocate
for the petitioner(s).

Ms. Deepali Puri, Addl.AG., Punjab.

LISA GILL, J.

This order shall dispose of CRM-M-23886 of 2018 and CRM-M-23917 of 2018. For the sake of convenience, facts are extracted from CRM-M-23886 of 2018.

Petitioner (s) seek the concession of bail pending trial in FIR No-040 dated 09.03.2018, under Sections 379-B and 411 IPC, registered at Police Station

Phase-1, SAS Nagar (Mohali), District SAS Nagar (Mohali).

It is contended that the petitioners have been falsely implicated in this case. Moreover, the co-accused-Sahil Chabbra from whom the mobile in question has been recovered was afforded the concession of bail pending trial by this Court on 25.05.2018 in CRM-M-21837 of 2018. It is contended that the motorcycle in question was recovered from the petitioner-Sagar Kumar. In respect to the petitioner-Bhinder Singh, it is submitted that he has needlessly been involved. Even in the FIR, mention is of two persons. Bhinder Singh is sought to be inculpated on the disclosure statement of the other two co-accused. Learned counsel submits that petitioners undertake to face proceedings and not abuse the concession of bail, if afforded to them. It is thus prayed that these petitions be allowed.

Heard learned counsel for the parties.

Learned counsel for the State is unable to deny that the co-accused-Sahil Chabbra, from whom the mobile in question was recovered has been afforded the concession of bail by this Court as mentioned above. On instructions from ASI Lakhan Singh, it is verified that none of the two petitioners is involved in any other criminal case. Final report under Section 173 Cr.P.C., has since been presented.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail. Final report under Section 173 Cr.P.C., has since been presented. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioners incarcerated any longer in the facts and circumstances of this case.

Keeping in view the peculiar facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, these petition filed by Sagar Kumar and Bhinder Singh, are allowed. Petitioners be released on bail pending trial subject to their furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

08.06.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.