

Crl. Misc. No. M-29714 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-29714 of 2018

DATE OF DECISION:12.10.2018

Gaurav Kumar @ Shinda

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Vinod K. Kaushal, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Gaurav Kumar @ Shinda in case FIR No. 55 dated 6.3.2018 registered under Sections 457,380 IPC (offences under Sections 411/420/467/468/471/472/34 IPC added lateron) at Police Station Sadar Amritsar, District Amritsar.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case, whereas, he was not involved. The name of the petitioner was not mentioned in the FIR and no identification parade was conducted. Even the complainant has not identified the petitioner. Learned counsel further contends that no independent witness was joined to corroborate the version of the complainant. Investigation has

been completed and charges have also been framed. The petitioner is in custody since 24.3.2018 and all the material witnesses have been examined including the complainant. Learned counsel also contends that there is no other case against the petitioner.

Learned counsel for respondent-State has not disputed the custody period as well as the stage of the trial. However, he opposes grant of regular bail to the petitioner on the ground of allegations being serious and the fact that recovery was also effected from the petitioner as well as co-accused.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

By considering the submissions made by learned counsel for the petitioner and the facts that the petitioner is not named in the FIR; no identification parade was conducted at the time of recovery, no independent witness was joined; complainant has already been examined; all the offences are triable by Magistrate; the petitioner is in custody since 24.3.2018 and no purpose would be served by keeping him behind the bars, the present petition is allowed. Petitioner-Gaurav Kumar @ Shinda is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

October 12, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes