

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

CRM-M-29757 of 2018 (O&M)

Date of decision: 30.10.2018

Santosh @ Daku

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. A.P.Kaushal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.180 dated 5.7.2017 under Sections 399 and 402 of Indian Penal Code, 1860 and under Sections 25, 54 and 59 of the Arms Act registered at Police Station Sidwan Bet, District Ludhiana Rural.

The FIR in the present case was lodged pursuant to a secret information having been received to the effect that Lakhbir Singh, Somnath, Santosh @ Daku, Kuldeep Singh, Karnail Singh etc. were sitting by the side of a bridge on the canal and were planning to commit robbery and that in case raid is conducted, they could be apprehended with deadly weapons. Pursuant to receipt of said information, raid was conducted and the accused were apprehended. The present petitioner was found to be in possession of one baseball and 22 cartridges of 12 bore.

The learned counsel for the petitioner has submitted that he has

behind bars since the last more than 1 year and 3 months.

On the other hand, the learned State counsel has submitted that the petitioner is involved in other cases as well and as such does not deserve the concession of bail. It has also been submitted that although charges have been framed but not a single witness has been examined so far. As per custody certificate dated 23.7.2018, the petitioner had undergone an actual sentence of 1 year and 12 days as on 23.7.2018.

Having considered rival submissions addressed before this Court and also the fact that as on date not even a single witness has been examined, although the petitioner has been behind bars since the last more than 1 year and 3 months, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate Ludhiana.

This petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

30.10.2018
kamal

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No