

Sr. No.214

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

**CRM-M-33738-2018
Date of decision:5.12.2018**

Kulwinder Singh @ Baba @ Ladoo

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Harchand Singh Batth, Advocate
for the petitioner.

Mr. Hitten Nehram, Addl.AG, Punajb.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.63, dated 04.09.2017 for the offences punishable under Sections 307,397,398,148,149 IPC registered at Police Station Sarai Amanat Khan, District Tarn Taran.

Learned counsel for the petitioner contends that there is no evidence in the case to connect the petitioner to the crime in question. Admittedly, the petitioner was not arrested from the spot. No identification parade in the presence of Magistrate was conducted by the police. There is no recovery from the petitioner in the present case. The petitioner is in custody since 26.10.2017. The petitioner is not required for any further investigation purposes. Hence the prayer for bail is made.

On the other hand, learned State counsel has filed a reply by way of affidavit of Sucha Singh, PPS, Deputy Superintendent of Police, Sub Division Tarn Taran; on behalf of the State, wherein it is stated that the

petitioner has been identified by the Complainant in identification parade conducted before the police. It is further contended that the weapon of offence used in the present case has already been recovered from the petitioner in another connected case. Hence, learned State counsel has argued that petitioner is habitual offender. There are 5 more cases of similar nature against the petitioner.

In response thereto, learned counsel for the petitioner contends that in the case; in which the alleged recovery of the weapon of offence was made from the petitioner and in which the petitioner was claimed to have been arrested from the spot, the petitioner has already been granted bail pending trial by the Trial Court itself. Out of the remaining cases, the petitioner is on bail in three cases.

In view of the above, but without commenting any further upon the merits of the case, the petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail subject to furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

5th December, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*