IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M No.40486 of 2018
Date of Decision: 21.09.2018

Rajesh Kumar alias Lambo alias Motto ....Petitioner

Versus

State of Punjab ....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Arjun Veer Sharma, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. D.A.G., Punjab.

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DAYA CHAUDHARY, J.

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.107 dated 30.07.2017 registered under Sections 392, 506 IPC and 25/27/54/59 of the Arms Act, 1969 at Police Station Punjab Agriculture University, District Ludhiana.

The petitioner is facing trial in said FIR and the regular bail filed by the petitioner before the trial Court has been dismissed. Thereafter, he has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved. There is nothing on record to connect the petitioner with the commission of offence except that he has been made accused at the instance of the complainant. Learned counsel also submits that after registration of FIR against un-known persons, the petitioner along with others was implicated. As per the challan presented before the Court, one mobile phone, battery,

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LCD, Rs.12,000/- and one iron *dah* (weapon) have been shown to be recovered from the petitioner. During investigation, no evidence was collected by the Investigating Agency to connect the petitioner with the said offence. No offence under Sections 392/506 IPC is made out. At the most, the petitioner can be held liable for keeping in possession the alleged stolen articles and can be liable for prosecution under Section 411 IPC, which is bailable. The petitioner is in custody since 05.08.2017 and nothing is to be recovered from him as challan has been presented. Petitioner undertakes that he will not directly or indirectly make any inducement, threat or promise to any person or tamper with the evidence. It is also the argument of learned counsel for the petitioner that the Investigating Agency was granted police custody of petitioner along with other co-accused till 09.08.2017 but no incriminating material/documents were found against him. Co-accused of the petitioner, namely,Vikramjit Singh @ Vicky @ Billa, Ashish Grover and Jaspreet Singh have been released on regular bail by this Court vide orders dated 22.12.2017, 09.03.2018 and 01.02.2018 passed in ***CRM-M No.48158 of 2017, CRM-M No.8835 of 2018, CRM-M No.47587 of 2017***, respectively. Learned counsel also submits that there is no other case pending against the petitioner.

Learned State counsel has not disputed the stage of trial; custody of the petitioner; pendency of any other case against him and also the fact that co-accused have been released on regular bail.

Heard the arguments of learned counsel for the petitioner and have also perused the contents of the FIR as well as other documents available on the file.

By considering that the petitioner is in custody since

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05.08.2017 and also the fact that the challan has been presented and trial may take long time to conclude; no other case is pending against the petitioner and his co-accused have been released on regular bail, the present petition is allowed and petitioner, namely, Rajesh Kumar alias Lambo alias Motto is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

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Whether speaking/reasoned Yes/No

Whether Reportable Yes/No

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