

Sr. No.216

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

**CRM-M-50080-2018
Date of decision:6.12.2018**

Baldev Raj

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Deepinder Brar, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.155 dated 03.10.2018 for the offences punishable under Sections 365,392,411 IPC registered at Police Station City Kotkapura, District Faridkot.

Learned counsel for the petitioner contends that the only allegation against the petitioner is qua having received the stolen/looted bags of paddy. There is no allegation against the petitioner qua participation in the actual incident of looting the said material. Still further it is contended that although the police claims to have recovered the said paddy from in front of the shop of the petitioner, however, it was an open area; accessible to all at the relevant time. Therefore, strictly speaking, the recovery is not even from the petitioner or from his shop. It is further contended that there is no other case of any kind against the petitioner. Petitioner is in custody since 3.10.2018.

On the other hand, learned State counsel, being instructed by

ASI Gurjant Singh submits that the recovery of the material stands effected from the petitioner's premises. However it is not disputed that there is no other case against the petitioner and that, there is nothing to connect the petitioner to the actual act of looting the material; recovered from the alleged premises of the petitioner. Still further it is also not disputed that there is no other case against the petitioner.

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

6th December, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*