

S.No.217

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

CRM-M-50360 of 2018 (O&M)

Date of Decision:06.12.2018

Rajan Sharma @ Gorkha @ BatishPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Amandeep Singh, Advocate
for the petitioner.
Mr. Hittan Nehra, Addl. AG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.219 dated 27.07.2018 registered under Sections 379-B and 411 IPC at Police Station Division No.8, District Ludhiana.

Counsel for the petitioner contends that even as per the case of the prosecution, the petitioner is not alleged to be involved in the actual act of snatching or stealing of the mobile phones. He is only alleged to be in possession of the mobile phones, which were alleged to be snatched or stolen properties. It is further contended that; although there is another case of similar nature against the petitioner, however, the name of the petitioner has been involved in that case also only after he was arrested in the present case. Besides these two cases, there is no other case against the petitioner. The petitioner is in custody since 27.07.2018. The challan has already been filed in the case. The alleged stolen properties have already been recovered by the Police. The petitioner is not required for any investigation purposes any more.

On the other hand, learned counsel for the State, being

instructed by ASI Avtar Singh, submits that since the petitioner has been found to be involved in another case also, therefore, he is a habitual offender. However, it is not disputed that the name of the petitioner in another case was involved only after he was arrested in the present case. It is also not disputed that besides these two cases, there is no other case against the petitioner and that challan, in this case, has already been presented.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 06, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No