

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

CRM-M-49962 of 2017

Date of Decision: 14.02.2018

Bhupinder Singh @ Bata

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.73 dated 24.07.2017 registered under Sections 394, 336, 323 and 395 of the Indian Penal Code and Section 25, 27, 29, 54, 59 of the Arms Act at Police Station Maqboolpura, District Amritsar City.

It is contended by learned counsel for the petitioner that as per the allegation in the FIR there were only three clean shaven youths who were standing by holding a black coloured motorcycle and out of them one youth snatched the money bag carried by the said Narayan Dass and made an attempt to hit him by taking out the knife and the knife hit him on the little finger of right hand. It is further contended that as per the prosecution case the CCTV camera was installed and three persons who were named in the FIR were Varinder Singh, Gurdeep Singh & Pardeep Singh and name of the petitioner was no where and it is only after four days the secret informer had

disclosed to the police that they were distributing the booty among themselves and on that account the name of the petitioner has been surfaced in the present case. It is further contended that the petitioner is in custody since 28.07.2017 and nothing is to be recovered from him.

Learned State counsel has opposed the bail only on the ground that the petitioner has been duly identified by the Narayan Dass during investigation.

Be that as it may, the complainant himself has mentioned the presence of only three accused at the time of occurrence and petitioner is not out of those three; report under Section 173 Cr.P.C. has already been filed and nothing is to be recovered from the petitioner. Trial of the case will take long time, therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Bhupinder Singh @ Bata be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

February 14, 2018
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no