

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

**Criminal Misc. No. M-51588 of 2018
Date of decision: 19.12.2018**

Sumandeep Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Sushil Saini, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Sumandeep Singh under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.102 dated 05.08.2018 registered under Section 379-B IPC at Police Station Sadar Kharar, District SAS Nagar, Mohali during pendency of the trial.

Learned counsel for the petitioner submits that the FIR was registered after an unexplained delay of 24 hours against unknown person and the petitioner was not named in the FIR. The petitioner was arrested on 06.08.2018. Even the number and make of the motorcycle was not mentioned in the FIR. The alleged recovery has already been effected and nothing is to be recovered from the petitioner. No other case of similar nature is pending against the petitioner.

Learned State counsel has not disputed the custody period but

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opposed grant of regular bail to the petitioner on the ground that four mobiles were recovered from the petitioner. One motorcycle was also recovered from the petitioner as well as co-accused by using the forged number.

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

By considering the submissions made by learned counsel for the petitioner that the petitioner is in custody since 06.08.2018; the facts that recovery has already been effected; no other case is pending against him; although recovery of four mobiles has been shown to have been effected but there was no complaint by any person regarding missing or snatching thereof; even no complaint was made by owner of the motorcycle to the effect that motorcycle was stolen; the petitioner has been implicated in the case on the basis of recovery of mobiles and motorcycle, the present petition is allowed and the petitioner (Sumandeep Singh) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

19.12.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No