

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

**CRM-M No.6669 of 2018
Decided on: 09.08.2018**

Ravi Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Dinesh Nagar, Advocate for the petitioner.

Mr. Sidakmeet Singh Sanghu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.157 dated 16.10.2016, for offence punishable under Sections 399 and 402 of the Indian Penal Code, 1860 (in short 'IPC') and 25 of the Arms Act, registered at Police Station City Nawanshahr, District S.B.S. Nagar.

Counsel for the petitioner has submitted that the FIR, which was registered on a secret information that the petitioner along with 04 other co-accused have formed a gang and have stolen motorcycle and are planning to commit robbery in a Bank, are present in an abandoned building across the railway crossing, the police conducted a raid and the petitioner along with other accused was arrested on 16.10.2016.

Counsel for the petitioner has further submitted that though a period of more than 01 year and 09 months has passed, charges were framed on 20.02.2018, yet till date, not even a single

prosecution witness has been examined. It is also submitted that the co-accused of the petitioner namely Pardeep Kumar @ Deepa, has also been granted the concession of regular bail vide order dated 06.12.2017 passed in CRM-M No.35844 of 2017.

Counsel for the State, on the basis of the Custody Certificate has, however, opposed the prayer for bail on the ground that the petitioner is involved in number of other cases and in some of the FIRs, he has been acquitted.

A perusal of the Custody Certificate show that the other FIRs, in which the petitioner is facing the trial pertains to the year 2013-14, in which he is on bail.

Without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last about 01 year and 09 months; no prosecution witness has been examined so far and the co-accused of the petitioner has already been granted the concession of regular bail by this Court, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds and 02 surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

09.08.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No