

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

Sr. No.213

CRM-M-3268-2019

DECIDED ON: May 13, 2019

BINDER SINGH @ BABBU

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Manu Loona, Advocate and
Ms. Nav Sangeet Kaur, Advocate,
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Section 439 Cr. P.C. for grant of regular bail to the petitioner in case FIR No.125, dated 28.10.2018 under Sections 457, 380, 411, 413 IPC, registered at Police Station City Fazilka, District Fazilka.

Learned counsel for the petitioner submits that the name of the petitioner has been unnecessarily dragged in this case. He is not involved in the crime alleged against him. It is further submitted that even as per the case of the prosecution the incident had taken place during night. Therefore, the FIR was registered against unknown persons. Police has not disclosed the basis on which the police came to the conclusion that it was the petitioner who was involved in this case. Still further, it is submitted that the name of the petitioner has been just added by showing a combined recovery from the petitioner along with the other co-accused. However, nothing separate and specific was ever recovered from the petitioner, so as to connect him to the crime in question. It is also submitted that the

CRM-M-3268-2019

petitioner is in custody since 22.11.2018. Challan has already been filed. The petitioner is not required for any investigation purposes. Otherwise, there is no other case of any kind against the petitioner.

On the other hand, learned State counsel, being instructed by Gurmeet Singh, S.I., submits that the name of the petitioner had surfaced in the secret information, on the basis of which three persons were arrested and there is one person whose arrest is awaited. It is further submitted that at the instance of all the three arrested accused, 1 kg. of silver and 30 grams of gold have been duly recovered. However, it is not disputed that there is no separate and specific recovery from the petitioner and there is no other case of any kind against the petitioner. It is also not disputed that the challan has already been filed in the case and the petitioner is not required for any investigation purposes.

In view of the above, without commenting upon any merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

May 13, 2019

Ankur

**(RAJBIR SEHRAWAT)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No