

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

**CRM-M-6618-2019
Date of decision: 28.03.2019**

Lakhwinder Singh @ Billa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Preetinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This 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. 44 dated 26.08.2018, registered under Section 379-B IPC at Police Station Tallewal, District Barnala.

Learned counsel for the petitioner submits that two of the co-accused of the petitioner, namely Mandeep Singh @ Jinder and Gurwinder Singh @ Vicky, have already been granted concession of regular bail, vide common order dated 29.01.2019, passed by this Court in CRM-M Nos. 52545 and 52839 of 2018. The operative part of the order reads as under:

“Learned counsel for both the petitioners submit that as per allegations in the FIR, complainant Amandeep Kaur had withdrawn an amount of Rs.1,000/- from ATM of Punjab National Bank installed in their village and thereafter, one motorcycle came there and the motorcyclists snatched her purse carrying Rs.1,000/- and

ran away with their motorcycle and later on, the complainant came to know that said motorcycle was driven by one Lakhwinder Singh @ Billa and the petitioners were pillion riders on the same. It is further submitted that both the petitioners are in custody since 27.08.2018; they are not involved in any other case; challan stands presented and it will take some time in conclusion of the trial. Learned counsel for the petitioners have further submitted that during the investigation, no such evidence is collected by the Investigating Officer that the complainant has visited ATM installed in the village on that day or had withdrawn the amount and no official from the Punjab National Bank is cited as witness in the challan. Learned State counsel, on instructions from ASI Gurej Singh, could not dispute the factual position. Without commenting anything further on merits of the case, considering the submissions made by learned counsel for the petitioners, both these petitions are allowed and petitioners Mandeep Singh @ Jinder and Gurwinder Singh @ Vicky are directed to be released on regular bail subject to furnishing their bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.”

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 26.08.2018 and conclusion of the trial is likely to take a long time.

Reply, by way of affidavit of Investigating Officer, Police Station Tallewal, District Barnala, has been filed in Court today and the same is taken on record. As per reply, the challan has been presented before the trial Court and the case is now fixed for committing the same to the Court of Sessions. It is further submitted that total 17 prosecution witnesses

have been nominated in the challan.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that two of the co-accused of the petitioner, namely Mandeep Singh @ Jinder and Gurwinder Singh @ Vicky, have already been granted concession of regular bail as noticed above and the trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

28.03.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No