

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

CRM-M No.8002 of 2019
DATE OF DECISION : 4th JULY, 2019

Jaspal Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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Present : Mr. Ithlesh, Advocate for
 Mr. Amninder Singh Cheema, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.96 dated 30.10.2018 registered under Sections 458 and 380 IPC (Sections 411 and 459 IPC, added later on) at Police Station Begowal, District Kapurthala.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted one. The petitioner was not named in the FIR. His name has subsequently been included by the police in the case by fabricating the recovery of mobile phone. It is further submitted that petitioner is in custody since November, 2018 and challan has already been filed. Therefore, the petitioner is not required for any investigation purposes. Even charge has been framed in this case, however, no witness has been examined so far. Trial is likely to take time to conclude. Still further it is submitted that there is no other case against the petitioner.

On the other hand, learned counsel for the State, on being instructed by ASI Inder Pal Singh, submits that the petitioner has even

been identified by the complainant. The mobile of the complainant has been recovered from the petitioner. Hence, the complicity of the petitioner in the crime is well established as per the evidence collected by the investigating agency. However, it is not disputed that the petitioner is in custody since November 2018 and even the charge has been framed in this case, but no witness has been examined. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

4th JULY, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>