

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20435-2019 (O&M)

Date of decision:17.09.2019

Gurwinder Singh @ Gora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr.Gursimran Singh Bhatia, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.155 dated 03.10.2018 registered under Sections 365/392 IPC (Section 411 of IPC added later on) at Police Station City Kotkapura, District Faridkot.

Learned counsel for the petitioner contends that the case against the petitioner is concocted. It is further contended that even as per the case of the prosecution, the allegation against the petitioner and his co-accused are that they had taken away a truck filled with paddy at gun point. However, even the truck and the paddy have already been recovered by the Police. Still further, it is contended that the co-accused of the petitioner, namely, Baldev Raj, against whom the allegations are identical; has already been granted bail by this Court. The allegation against the petitioner are the same as against the above said Baldev Raj. It is also submitted that there is no other case against the petitioner. In the present case, the petitioner is in custody since 09.04.2019. Investigation of the case is complete. The petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the State, being instructed by ASI Bhupinderjit Singh, submits that the offence committed by the petitioner along with his co-accused is serious. It is also contended that the recovery has been effected from the petitioner to show his complicity in the crime. However, it is not disputed that the co-accused of the petitioner with similar allegations have already been released on bail and that there is no other case against the petitioner.

In view of the above, but without commenting any further 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.

(RAJBIR SEHRAWAT)
JUDGE

17.09.2019
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No