

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-45045-2018 (O&M)
Date of Decision:-19.3.2019

Inder ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Gupta, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.40 dated 21.2.2018 at Police Station Kotwali, Patiala, Punjab under Sections 399 and 402 of Indian Penal Code, 1860.

The FIR was registered pursuant to receipt of a secret information to the effect that Inder, Rakesh Kumar @ Bachi, Kaka, Beeru Thapa @ Beeru, Vikesh Kumar @ Kalu and Lalit @ Barau were making a plan to loot businessmen, who are in the business of import and export and that they are having weapons and motorcycles. Pursuant to receipt of the aforesaid information, a raid was conducted near Ghalori Gate, Patiala, where the accused were found and were apprehended.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and has been in

custody since the last about one month and there is no progress in the proceedings of the trial and, as such, the petitioner deserves the concession of bail.

Opposing the petition, the learned State counsel has informed that the petitioner is involved in several other identical cases and, as such, he does not deserve to be released on bail in view of his antecedents. It has further been informed that charges have been framed and out of 18 cited prosecution witnesses, one has been given up and examination-in-chief has been recorded of another prosecution witness, while the remaining 16 prosecution witnesses are yet to be summoned.

Having considered rival submissions addressed before this Court and bearing in mind the snail pace with which the trial Court is proceeding, which would suggest that the trial in its normal course is likely to consume some time for its conclusion, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner Inder is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, in case petitioner indulges in any activity akin to one for which he has been convicted, while on bail, the prosecution agency will be at liberty to seek the cancellation of order granting bail to petitioner.

The present petition stands accepted accordingly.

19.3.2019

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge