

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

**Criminal Misc. No. M-48755 of 2018 (O&M)
Date of decision: 22.02.2019**

Manjit Singh @ Monty

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Vipul Jindal, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent -State.

Daya Chaudhary, J. (Oral)

CRM No.5981 of 2019

This application has been moved for placing on record Annexures P-7 and P-8 as well as seeking exemption from filing certified copies of the same.

Application is allowed as prayed for and Annexures P-7 and P-8 are taken on record.

CRM-M No.48755 of 2018

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.08 dated 24.06.2018 registered under Section 379-B IPC at Police Station Majitha Road, District Amritsar.

Learned counsel for the petitioner submits that neither the petitioner was present at the place of occurrence nor he accompanied other accused. He has been implicated in the case only on the basis of statement made by co-accused, who has already been released on regular bail by this Court vide order dated 31.10.2018 passed in CRM-M No.47124 of 2018.

Learned counsel further submits that co-accused was arrested on 15.07.2018 whereas the petitioner was arrested on 24.07.2018 after making statement by co-accused. A wrong fact was made that the recovery of gold necklace was effected from the right pocket of the present petitioner whereas co-accused was the main accused and recovery was effected from him. No other case is pending against the petitioner as in earlier two cases, he has been acquitted of the charges by the trial Court.

Learned State counsel has not disputed the custody period as well as release of co-accused on regular bail by this Court. However, he has opposed the bail on the ground that the recovery was effected from the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

By considering the custody of the petitioner since 24.07.2018 and also the fact that his co-accused, namely, Anoop Singh has been released on regular bail by this Court; the petitioner has been implicated in the case on the basis of statement made by co-accused; nothing is to be recovered from him; the trial may take time to conclude; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Manjit Singh @ Monty) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

22.02.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes