

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

206

CRM-M-48756-2018 (O & M)
Date of Decision: 27.02.2019

Onkar Singh @ Kaka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Onkar Singh @ Kaka has filed this petition seeking regular bail in case FIR No.12 dated 24.02.2018, under Sections 457, 380 of the Indian Penal Code ('IPC' – for short) and Sections 411, 420, 482, 465, 467, 468, 471, 474 and 485 IPC (added later on) registered at Police Station Dhilwan, District Kapurthala.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the case FIR No.12 dated 24.02.2018, which has been registered on the basis of the complaint made by the complainant Santokh Singh Ex. Sarpanch. It was alleged that tractor of the complainant was stolen by some unknown persons. The FIR is based upon hearsay version. It has been argued that there is unexplained delay of three days in lodging the FIR.

CRM-M-48756-2018 (O & M)

On the other hand, the bail application is opposed by the learned State counsel who is assisted by ASI Balwinder Singh. It is not in dispute that the investigation is complete and the challan was filed on 19.07.2018. The offence is triable by the Magistrate. It is also not disputed by the learned State counsel that the charges have not been framed in this case so far and the trial is likely to consume considerable time.

Considering the above background and the stage of the trial, further custody of the petitioner is not justifiable. Therefore, without meaning any expression of opinion on the merits of the case, petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

The petition is allowed.

27.02.2019
sheetal

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No