

S.No.217

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

CRM-M-23338 of 2019 (O&M)

Date of Decision:26.11.2019

Pawan KumarPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. J.S. Grewal, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, 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.73 dated 26.11.2018 registered under Sections 379-B, 427, 323 IPC, (subsequently added Sections 395 and 397 of IPC vide DDR No.25 dated 26.05.2019) at Police Station Khui Khera, Tehsil and District Fazilka.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. Although, the prosecution claims to have recovered 2 mobile phones and one kirpan from the petitioner, however, the said recovery is also totally thrust upon the petitioner. Still further, it is submitted that the petitioner is in custody since 31.03.2019. The challan has already been filed. Therefore, the petitioner is not required for any investigation purpose in this case. There is no other case against the petitioner.

On the other hand, learned counsel for the State, submits that the complicity of the petitioner in the crime, has been duly established by the recoveries affected from him. However, it is not disputed that the petitioner is in custody since 31.03.2019 and 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.

November 26, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No