

S.No.202

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

CRM-M-24300 of 2019 (O&M)

Date of Decision:02.11.2019

James Masih @ Honey

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. K.V. Singh Ahluwalia, 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.277 dated 13.10.2018 registered under Sections 392/379-B/420/468/471/413/482/411 and 34 IPC at Police Station Division No.6, District Police Commissionerate, Jalandhar.

Learned counsel for the petitioner contends that the petitioner has been wrongly involved in this case. The FIR in the case was registered at the instance of the secret informer who has alleged that the petitioner and his co-accused are indulging in the business of stolen property. The petitioner had surrendered before the Court on 16.10.2018. The petitioner was given to the Police in custody as well, for the purpose of investigation. However, nothing was recovered from the petitioner. The petitioner is in custody since 16.10.2018. Challan has already been filed and the charge has been framed. Therefore, the petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail.

On the other hand, learned State Counsel, being instructed by HC Pritpal Singh, submits that the petitioner is a habitual offender. With his other co-acused, the petitioner has been indulging in these kinds of incidents and is having registered three cases against him. However, it is not denied that the petitioner is in custody since 16.10.2018 and that nothing was recovered from him.

As response to the argument of the learned State Counsel, counsel for the petitioner has submitted that in the other cases, referred to by the State Counsel, the petitioner has already been released on bail. As of today, the petitioner is not in custody in any other case except the present one.

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.

November 02, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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