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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision-25.09.2019

1. CRM-M-34792-2019

Sukhdeep Singh @ Deepu

...Petitioner

Vs.

State of Punjab

...Respondent

2. CRM-M-34889-2019

Gurmeet Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner(s).

Mr. Hittan Nehra, Addl.AG, Punjab assisted by
HC Sukhwinder Singh.

MANOJ BAJAJ, J.

Petitioners in above mentioned petitions have prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.40 dated 20.03.2019 registered under Section 379-B and 323 read with Section 34 of Indian Penal Code, 1860 at Police Station Nihal Singh Wala, Distirct Moga. Petitioners are in custody since their arrest on 27.03.2019.

The FIR was registered on the statement of Mohan Singh son of Lal Singh, wherein it was alleged that on 08.03.2019 at about 06.00 p.m. he

along with his wife, namely, Shinder Kaur were going from village Raisar to village Machike on motorcycle bearing No.PB-29-V-7322 and when they reached near water drain of village Machike, two persons with hair cut riding on a silver colour splendor motorcycle which was without number plate, crossed and stopped them. They tried to take out the key of the motorcycle and mobile phone (samsung). They took away one mobile phone identity card and driving license and about Rs.2500/-. On these broad allegations FIR was registered.

Learned counsel for the petitioners contends that the FIR was lodged after a delay of approximately two weeks i.e. on 28.03.2019. He further submits that the vehicle described by the complainant was silver coloured motorcycle whereas the Police has recovered a black and red coloured motorcycle. According to him, the investigation of the case is complete, therefore, further custody of the petitioners may not be required.

On the other hand, learned State counsel assisted by HC Sukhwinder Singh opposed the bail application on the ground that Sukhdeep Singh @ Deepu is involved in three other cases. However, it is not disputed that investigation is complete. It is also not disputed that motorcycle described in the FIR was silver in colour whereas the colour of recovered vehicle is different.

Considering the above background and the fact that the trial of the case is likely to consume considerable time, this Court does not find any valid reason to detain the petitioners any further in custody. Therefore, without meaning any expression of opinion on the merits of the case, it is

ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Moga.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

25.09.2019

vanita	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No