

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

225+109

CRM-M-35251-2019 (O & M)
Date of Decision:18.09.2019

Shivam

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

MANOJ BAJAJ, J.

CRM-28617-2019

This application is filed for addition of Section 482 IPC and
Section 25/54/59 of the Arms Act and for deletion of Section 411 IPC.

Notice in the application.

On the asking of the Court, Mr. Hittan Nehra, Addl. A.G.,
Punjab accepts notice and on instructions from SI Rajinder Singh, he does
not dispute the aforesaid prayer.

For the reasons mentioned in the application and the fact that
the same is not opposed by learned counsel for the State, addition of Section
482 IPC and Sections 25/54/59 of the Arms Act; and deletion of Section
411 IPC are allowed.

Registry is directed to carry out necessary corrections in the
headnote as well as wherever necessary.

Main Case.

Petitioner has filed this petition under Section 439 of the Code

of Criminal Procedure for grant of regular bail in case FIR No.46 dated 16.06.2019, registered at Police Station City Nakodar, District Jalandhar Rural under Sections 399, 402 IPC, 1860 (Section 411 IPC added later on) and subsequently Section 411 IPC was deleted and Section 482 IPC; Section 25/54/59 of the Arms Act were added.

The FIR in question was recorded on the basis of secret information, wherein it was alleged that the petitioner along with others was preparing to commit dacoity in a bank and all these persons were previously involved in various other cases of similar nature.

Learned counsel the petitioner contends that on 16.06.2019, petitioner was arrested in present FIR and there is nothing to indicate that any preparation was made by him as alleged by the prosecution. According to the learned counsel, there was no other case against the petitioner. However, on the same date, he was nominated as an accused in case FIR No.41 dated 10.06.2019 under Section 379-B IPC, registered at the same police station i.e. Police Station City Nakodar, District Jalandhar. He submits that co-accused of the petitioner namely Amarjeet Singh @ Amrit has already been released on bail by this Court vide order dated 04.09.2019 passed in CRM-M-35620-2019.

On the other hand, bail application is opposed by learned State counsel, who is assisted by SI Rajinder Singh. It is apprised that the petitioner is still in custody in case FIR No.41 dated 10.06.2019. It is not disputed that similarly situated co-accused has already been released on regular bail.

Considering the above background and the fact that the trial is likely to take some time, further detention of the petitioner may not be

justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

18.09.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No