

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

CRM-M-40831-2019

Date of Decision : September 27, 2019

Buta Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Digvijay Nagpal, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed by the petitioner for grant of regular bail under Section 439 of the Code of Criminal Procedure in FIR No.59 dated 11.8.2019 under Sections 371/411/467/468/473 IPC, registered at Police Station Joga, District Mansa.

Counsel for the petitioner submits that the petitioner is not involved in any other similar case and as per the allegations in the FIR, which is registered on the basis of a secret information, it is stated that the petitioner is selling stolen wheat in his truck bearing No.PB-03-AF-8995 and has engaged one Chetu Singh as a driver of the truck. The police, thereafter, stopped the aforesaid truck by laying a *naka* and the driver of the truck Chetu Singh ran away from the spot and was not arrested. Counsel for the petitioner has further submitted that the petitioner is the registered owner of the truck and he was, later on, arrested from the house. Counsel has further submitted that it will be a matter of trial whether the stolen

wheat was transported in the knowledge of the petitioner as he was not apprehended at the spot.

Learned State counsel, on instructions from Investigating Officer and on the basis of the custody certificate has stated that the petitioner is not involved in any other similar case.

Without commenting anything on the merits of the case, considering the aforementioned submissions made by the counsel for the petitioner and also considering the fact that the petitioner is not involved in any other case; this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

September 27, 2019
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO