

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

CRM-M-45236-2019

Date of Decision : December 18, 2019

Pardeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. G.K. Mann, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.56 dated 17.4.2018 under Sections 457/380/379-B/342/506/392/411 IPC, registered at Police Station Sultanwind, District Police Commissionerate Amritsar.

Counsel for the petitioner relies upon the order dated 29.3.2019 passed in CRM-M-27963-2019 vide which regular bail was granted to co-accused Bunty. The operative part of the order reads as under :-

“Learned counsel for the petitioner submits that the petitioner is in custody since 24.4.2018 and it is version of the complainant that on the intervening night of 16/17th April, 2018, some unknown persons entered into the premises of his company, by breaking the locks and

thereafter, they committed theft of mobile phones and some other articles. It is further submitted that the petitioner was not named in the FIR and when other co-accused were arrested, on the basis of their disclosure statement, the name of the petitioner has been surfaced in this case. Learned counsel further submits that the police had recorded the statement of Security Guard, after a lapse of long time and the petitioner is not involved in any other case. It is also submitted that the investigation is complete and charges have been framed, however, no prosecution witness has been examined so far.”

Counsel for the petitioner further submits that even the petitioner, who was nominated on the disclosure statement of the co-accused and one more accused Sarabjit Kaur is also granted the concession of regular bail vide order dated 20.7.2019 passed in CRM-M-29287-2018.

Counsel for the petitioner has also submitted that the petitioner is in custody since 5.8.2019; the challan stands presented and the case is now fixed for prosecution evidence. He further submits that out of 22 witnesses, none has been examined so far.

Learned State counsel, on the basis of the custody certificate has not disputed the factual position. However, it is submitted that he is involved in one case under under the NDPS Act, in which he is on bail as the recovery was of non-commercial quantity.

Without commenting anything on the merits of the case; considering the submissions made by counsel for the petitioner; the co-accused of the petitioner have already been granted the concession of regular bail, 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

December 18, 2019
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO