

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

CRM-M No.47995 of 2019 (O&M)
DATE OF DECISION : 18th NOVEMBER, 2019

Raj Kumar @ Lucky

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Parvesh Sachdeva, Advocate for the petitioner.

Mrs. Amarjit Kaur Khurana, DAG, Punjab.

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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.73 dated 26.11.2018 registered under Sections 379B, 427 & 323 IPC (Sections 395 & 397 IPC, added later on) at Police Station Khui Khera, District Fazilka.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. Although, the prosecution claims to have recovered mobile phones and a *kappa* from the petitioner, however, the said recovery is also totally thrust upon the petitioner. Still further, it is submitted that the petitioner is in custody since 31.03.2019. The challan has already been filed. Therefore, the petitioner is not required for any investigation purpose in this case. There is no other case against the petitioner.

On the other hand, learned counsel for the State, submits that the complicity of the petitioner in the crime, has been duly established by the recoveries affected from him. However, it is not

disputed that the petitioner is in custody since 31.03.2019 and that there is no other case against the petitioner.

In view of the above, but without commenting 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.

18th NOVEMBER, 2019
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>