

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Criminal Misc. No. M-12384 of 2020 (O&M)
Date of Decision: 15.05.2020

Mohd. Kalim

... Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Charanpreet Singh, Advocate,
for the petitioner.

Mr. H.S.Sullar, Deputy Advocate General, Punjab

ANIL KSHETARPAL, J.

Present petition has been filed by the petitioner, namely, Mohd. Kalim, under Section 439 Cr.P.C. for grant of regular bail in FIR No.31, dated 15.03.2019, registered under Sections 379-B/411/392/482 IPC and Section 25 of the Arms Act, 1959, at Police Station Division No.4, District Ludhiana.

Heard learned counsels for the parties through video conferencing on account of lock-down.

Learned counsel for the petitioner, at the outset, draws attention of the Court to the various orders granting concession of regular bail to the co-accused, who are similarly situated. Reference has been made to the following orders:-

- (1) **Annexure P-2** CRM-M-52388-2019 (Ankush Kumar @ Ashu vs. State of Punjab), allowed on 16.12.2019;
- (2) **Annexure P-3** CRM-M-9509-2020 (Sandeep Singh @ Sourav vs. state of Punjab), allowed on 12.03.2020;
- (3) **Annexure P-4** CRM-M-30116 of 2019 (Sarandeep Singh

@ Sunny Boxer vs. State of Punjab), allowed on 16.10.2019.

The gist of the case of the prosecution has been noticed in paragraph 5 of the order passed by learned Additional Sessions Judge, Ludhiana, which is extracted as under:-

5. The perusal of file reveals that the instant case was registered on the basis of secret information that accused, who had made "Akashnami Gang" with a stolen car being driven by Seepa son of Balvir Singh, were coming from Jalandhar side and they would commit an offence in the area of Field Ganj, Ludhiana. Thereafter, at about 4:30 P.M., a car was seen coming at a very high speed and the same was got stopped and accused were personally searched, who disclosed their respective names. From the possession of accused Akashdeep Singh @ Akas, one revolver 32 bore with two live cartridges was recovered. From accused Akashdeep Singh @ Akash son of Narinder Singh, one countrymade pistol and one live cartridge was recovered. Car driver disclosed his name as Arshdeep Singh @ Sepa son of Balvir Singh, from whose possession one air pistol was recovered. From the possession of accused Mohd. Kalim, one 'datar' tied on his right leg, was recovered. From the possession of accused Ankush @ Ashu, one sword tied on his right leg, was recovered. From the possession of accused Satdeep Singh @ Saurav, one sword tied on his right leg, was also recovered. From the possession of accused Sarandeep Singh @ Sunny Boxer, three mobiles from the right pocket of his pent and from his left pocket, two mobiles were recovered which was found to have been snatched from the people. The said weapons were taken into police possession as the same were found to be in the possession of the accused without any permit or licence and accused used to commit dacoities and theft of cars etc. Thereafter as per disclosure statements of accused, they got recovered two stolen cars."

On the other hand, learned State counsel has very fairly admitted that as per his information, petitioner is not involved in any other case.

Without commenting on the merits of the case and keeping in

view the fact that the petitioner is in custody since 15.03.2019 and the trial of the case is likely to take long time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly the petition is allowed with the aforesaid directions.

(ANIL KSHETARPL)
JUDGE

May 15, 2020
“nt”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No