

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

CRM-M-12815-2020
Date of decision:10.06.2020

KAVI SINGH

.....Petitioner

Versus

STATE OF U.T. CHANDIGARH

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Paramjit Singh Jammu, Advocate
for the petitioner.

Mr. Sukhant Gupta, Addl. P.P. Chandigarh.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in
Virtual Court)*

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.21 dated 20.1.2020 under Sections 399, 402 IPC at Police Station Sector 39, Chandigarh.
2. The FIR in question was lodged on the basis of secret information received to the effect that six persons namely Hardeep Singh @ Deep, Shanty Kumar, Baljinder Singh @ Happy, Kavi Singh, Bilhar Singh and Saranjit Singh @ Sunny who were having six stolen motorcycles and weapons in the shape of knives, sticks, iron-rods were sitting in a jungle near Sector 39-D petrol pump and were planning to conduct dacoity and loot the said petrol pump. Pursuant to receipt of said information a raid was conducted and all the six persons were apprehended at the spot

alongwith their motorcycles. Upon their search various weapons in the shapes of sticks, iron-rods, iron-punch were recovered. The petitioner was found to be in possession of an iron-rod measuring about 15 inch long.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case since the petitioner has been behind bars since last more than 5 months, he deserves the concession of bail.
4. On the last date of hearing, this Court had directed the State counsel to verify '*as to whether any FIR with similar facts was registered in Police Station Sector 39, Chandigarh against the petitioner or not*'? Today the learned State counsel on instructions from SI Anil Sharma has informed that although no other FIR stands lodged against the petitioner in Police Station Sector 39, Chandigarh, but there are three other FIRs registered against him in Mohali under Section 379 IPC.
5. Learned State counsel while opposing the petition has submitted that since the petitioner was apprehended along with stolen motorcycles and in fact during the course of interrogation and inquiry some more stolen motorcycles were recovered from the accused, no case for grant of bail is made out. It has however been informed that although '*challan*' has been presented but not even a single PW has been examined.
6. I have considered rival submissions addressed before this Court. Keeping in view the facts and circumstances of the case especially that the petitioner has been behind bars since last about 5 months and that the trial

is yet to commence, further detention of the petitioner will not serve any purpose.

7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.06.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No