

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

206

CRM-M-13101-2020 (O&M)

Date of Decision: 18.11.2020

KAABU

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Kaabu** in case F.I.R. No.358 dated 28.12.2019 under Sections 148, 342, 380, 457 and 506 IPC read with Section 149 IPC (Section 395 IPC added lateron), registered at Police Station Islamabad, District Amritsar City.

Status report dated 13.11.2020 regarding progress of trial has been received from Court concerned and the same is taken on the record.

Learned counsel for the petitioner *inter alia* contends that petitioner has no nexus whatsoever with the alleged offence. He further submits that no recovery of any stolen article has been got effected at the instance of petitioner. He further contends that petitioner is in custody

since 02.01.2020 and challan has already been presented in the Court and trial has commenced. He further submits that testimonies of material witnesses namely, Manpreet Singh, Lakhbir Kaur, Devinder Kaur and Jatinder Singh have already been recorded, whereas prosecution witnesses namely Devinder Kaur wife of Manpreet Singh and Sukhjit Kaur wife of Jatinder Singh have been given up by Public Prosecutor as witnesses on the same aspect have already been examined. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition, reply submitted at the instance of respondent-State and status report received from Court concerned.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 02.01.2020; that statements of material witnesses have already been recorded and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he

CRM-M-13101-2020

:3:

deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner- Kaabu is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Amritsar, as the case may be.

(LALIT BATRA)
JUDGE

18.11.2020
rimpal

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