

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

CRM-M-14245-2020 (O&M)

Date of decision: 30.09.2020

Kamaldeep @ Ballu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. K. S. Dadwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 179 dated 26.11.2019, registered under Sections 323, 379-B and 34 of the IPC at Police Station Sadar Hoshiarpur, District Hoshiarpur.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on account of the fact that petitioner was arrested in another FIR No. 187 dated 30.12.2019, under Section 482 IPC and Section 22 of the NDPS Act, 1985 and thereafter, he was nominated in the present FIR.

Learned counsel further submits that petitioner has already been released on bail in the said FIR and the only evidence against him to involve in the present FIR is that during custody of the petitioner in FIR No. 187, the police has recovered a motorcycle which was allegedly used in commission of crime in the present FIR.

Learned counsel further submits that the identity of the

petitioner is yet to be proved and as per the contents of the present FIR, it is mentioned that accused persons, who have committed the offence, were having muffled face.

Learned counsel further submits that petitioner is in judicial custody for the last about 08 months and 25 days; challan has been presented; the trial is not proceeding due to Covid-19 situation and the conclusion of the same will take a long time.

Learned State counsel has filed custody certificate and has not disputed the factual position as to how the petitioner was nominated as an accused in the present FIR. It is also not disputed that petitioner is on bail in aforesaid FIR No. 187.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties as well as the contents of the FIR, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

30.09.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No