

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 20447 of 2020

Date of Decision: 07.10. 2020

Bukan Singh alias Bukan

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Prateek Pandit, Advocate
for the petitioner(s).

Mr. Randhir Singh Thind, Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

The petitioner-Bukan Singh alias Bukan son of Avtar Singh prays for grant of regular bail in a criminal case arising from FIR No. 124 dated 15.11.2019, registered under Section 379, 379-B, 401, 120-B & 34 IPC at Police Station Lambra, District Jalandhar (Rural).

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Jalandhar, in para 3 of its order dated 20.06.2020, which is extracted as under:-

“The brief facts of the present case are that the police party comprising of three ASIs and other police personnel were on patrolling duty near bridge of Puara. There ASI Daljit Singh received a secret information that accused Sethi Singh @ Sethi son of Balvir Singh, Balwinder Singh @ Mani S/o Lehmbur Singh, Bukan Singh @ Bukan son of Avtar Singh and Prabhjit Singh @ Babba son of Jaspal Singh are

habitual of committing theft of motorcycles and other snatching after putting the victim under threat of injury with sharp edged weapons. Secret informer further revealed that at that time also i.e. on 15.11.2019 above mentioned accused are present near brick kiln of Gaddowali and trying to transport stolen motorcycles. On the strength of information, FIR was registered and police party proceeded towards the place disclosed by the informer where above mentioned accused were caught red handed along with eighteen stolen motorcycles. Accused Sethi Singh was arrested and at that time of his arrest ten stolen mobile phones were also recovered from him. During the investigation they admitted to have committed various offences of theft and snatching. During the period of police remand accused Sethi Singh got recovered four tyres alongwith ring, one mobile phone recovered from accused was identified by Manjit Singh Son of Sucha Singh to be belonging and ownership of other nine mobile phones was tried to be ascertained by taking help of technical cell by tracing their IMEI numbers. Accordingly, the present F.I.R. was registered”.

Learned counsel for the petitioner has contended that no doubt, the petitioner has been involved in four more criminal cases, however, those have been registered during the month of November, 2019. He further submitted that the petitioner has been falsely implicated in all these cases.

He further contended that the prosecution has failed to collect any admissible material showing involvement of the petitioner.

Mr. Randhir Singh Thind, Deputy Advocate General, Punjab has contended that as many as 20 motorcycles with ten mobile phones have been recovered on the disclosure statement of the petitioner and his co-accused. However, he admitted that the other four FIRs involving the petitioner have been registered against him during the month of November, 2019.

On conclusion of the investigation, the challan has already been presented, however, the trial of the case is yet to commence.

Without commenting on merits of the case and keeping in view the custody of the petitioner, it is considered appropriate to direct him to be released on regular bail. Hence, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned Area Judicial Magistrate/ Chief Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

October 07, 2020

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No