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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21150-2020

Date of Decision : 13.08.2020

Ishan Purewal @ BillaPetitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through video conferencing)

Present: Mr. Sahil Khunger, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

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MANJARI NEHRU KAUL, J. (Oral):

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 67, dated 04.03.2020, registered at P.S. Division No.6, Ludhiana, under sections 379B/34 IPC and sections 25, 54, 59 of the Arms Act, 1959. Subsequently, challan under Section 173 Cr.P.C. was presented under Sections 392, 379-B, 411, 34 IPC and Sections 25, 54, 59 of the Arms Act, 1959.

Contentends that the petitioner has been arrayed as an accused on the basis of a confession allegedly made by a co-accused Kamalpreet before the police qua his role in the offence in question which is inadmissible *per se*. He further contends that a perusal of the FIR reveals that it was registered against unknown persons who had allegedly entered the shop of the complainant with their faces covered with the handkerchiefs. After committing the robbery they fled from the shop. Learned counsel contends

that the petitioner has been in custody since 20.03.2020 and only report under Section 173 Cr.P.C. has been filed till date. Hence, it is unlikely that the trial would conclude any time in the near future. He further submits that nothing is to be recovered from the petitioner.

Per contra the learned State counsel, on instructions from ASI Binder Singh, has conceded that the petitioner was arrayed as an accused on confession made by the co-accused Kamalpreet before the police. However, he submits that a huge recovery of 02 kgs. of silver was effected from the petitioner which *prima facie* reveals his involvement in the crime.

Heard.

In view of the submissions made by the learned counsel and keeping in view that the petitioner has been in custody since 20.03.2020 and no useful purpose would be served by keeping the petitioner behind bars as the trial is unlikely to conclude in the near future, the petition is allowed. The petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

13.08.2020

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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No