

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

CRM-M-23011-2020

Date of decision: 21.08.2020

Baljinder Singh

....Petitioner

versus

Union Territory, Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Vivek Kathuria, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to official respondent-State.

Mr. Sukant Gupta, Addl.P.P., U.T. Chandigarh puts in appearance and accepts notice on behalf of the official respondent-State. Copy supplied during the course of the day.

Petitioner/accused-Baljinder Singh, has come up in this first regular bail application under Section 439 Cr.P.C. in a case bearing FIR No.21 dated 20.01.2020 under Sections 399/402 of the Indian Penal Code (Section 411 of the IPC added later on) registered at Police Station Sector 39 Chandigarh.

The allegations against the petitioner are that on the

basis of secret information, received by the police that six persons including the present petitioner, who were armed with iron rods, *dandas, et cetra*, having six stolen motorbikes in their possession, were planning to loot a petrol pump in Sector 39-D, Chandigarh and on the basis of which, the present case was got registered and on a raid, the accused were apprehended. From the possession of the petitioner, total 08 motorbikes were alleged to have been recovered.

Learned counsel for the petitioner *inter alia* contends that the petitioner is behind the bars for more than 07 months and that similarly placed co-accused, namely, Shanty Kumar, Saranjit Singh, Kavi Singh and Hardeep have been allowed regular bail by this Court.

The learned State counsel has strongly opposed the grant of bail on the grounds that the petitioner is a habitual offender and innumerable criminal cases are pending against him for such offences and if allowed bail, the petitioner is likely to commit more offences.

As is there on the records, similarly placed co-accused, namely, Shanty Kumar, Saranjit Singh, Kavi Singh and Hardeep have been allowed regular bail by this Court vide orders dated 15.07.2020, 25.06.2020, 10.06.2020 and 17.07.2020, respectively. The case of the petitioner is not distinguishable from that of his co-accused.

More so, to the specific query of this Court, what proofs have been collected that alleged recovered motorbikes were stolen,

the learned State counsel fairly concedes that they have not been able to lay their hands on any such FIR/evidence. Keeping in view the sad plight of investigation, the principle of parity and the period of incarceration, impels this Court to allow the present petition.

In light of the same, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Culpability, if any, shall be determined at the time of trial. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned with an undertaking that the petitioner will not commit any offence while on bail and if he does so, the State shall be at liberty to seek cancellation of bail.

The petition stands disposed off accordingly.

21.08.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No