

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-26991-2020 (O&M)

Date of Decision:-15.12.2020

Kuldeep Singh @ Shunty

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Santokhwinder Singh Grewal, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.95 dated 5.5.2020 at Police Station Shimlapuri, District Ludhiana under Sections 379-B, 411, 34 and 188 of Indian Penal Code.
2. The allegations as per FIR are that the police received secret information to the effect that Karan Singh and Kuldeep Singh @ Shunty (petitioner) indulged in snatching phones from commuters at various places while brandishing sharp edged weapons and that several FIRs have been registered against them. The information was further to the effect that on the said day i.e. on 5.5.2020 they would be coming from Bagi Bus Stand towards the City on a stolen motorcycle for the purpose of selling snatched mobile phones. Pursuant to receipt of aforesaid information barricading was held and the

petitioner along with co-accused Karan Singh was apprehended while riding a motorcycle which was found to be stolen. However, no mobile phone is alleged to have been recovered from them.

3. The learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct and the subsequent recovery memos are taken into account, the case at best would disclose commission of an offence punishable under Section 411 IPC i.e. as regards possession of stolen property and that Section 379-B IPC is not made out.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is a habitual offender having been involved in 4 other identical cases, no case for grant of bail is made out. The learned State counsel has however, informed that the petitioner has been behind bars since the last 7 months and 8 days and that challan already stands presented and that charges are yet to be framed.
5. I have considered rival submissions addressed before this Court.
6. Bearing in mind the nature of allegations and the fact that the petitioner has already been behind bars since the last more than 7 months and the trial is yet to commence, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.12.2020

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge