

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

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**CRM-M No. 50820 of 2019
Date of decision : 07.02.2020**

Kuldeep Kumar @ Seepa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr.B.S.Badhran, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for respondent-State.

ARUN KUMAR TYAGI,J. (ORAL)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 50 dated 24.04.2018 registered under Section 379-B of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Bullowal, District Hoshiarpur.

As per the prosecution version on 24.04.2018 two persons aged about 25-26 years stopped complainant- Navjot Singh who was going on motorcycle from village Hadrewar to village Fatehgarh and by removing the key of his motorcycle and by putting the knife on his neck snatched bag containing amount of Rs.16960/- and other documents and fled from the spot. Pursuant to registration of FIR on statement of Navjot Singh, the Police investigated the case and during investigation recovered sickle and motorcycle used in the commission of the crime from the petitioner and charge-sheeted the petitioner along with his co-accused to face trial.

The petitioner who is in custody since the date of his arrest has filed present petition for grant of regular bail.

Learned State Counsel has appeared and opposed the bail application.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner, who was not named in the FIR and was not arrested on the spot, has been falsely implicated in this case on the basis of disclosure statement allegedly made by co-accused- Sandeep to the Police which is not admissible in evidence and is not of any evidentiary value against him. No test identification parade was got conducted. No recovery of stolen property was made from him. Trial is likely to take long time and no useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that the petitioner along with his co-accused Sandeep had committed a serious offence by snatching the bag containing cash and documents from the complainant and the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, particularly the fact that the petitioner was not apprehended on the spot, no recovery of stolen property was allegedly made from him and also the fact that trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

However, it is made clear that in case of commission of any offence of similar nature by the petitioner in future, his bail in this case shall also be liable to be cancelled on application to be filed in this regard.

07.02.2020
Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No