

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51466-2019

Date of Decision: 17.01.2020

Karnail

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Akshay Rana, Advocate for
Mr. Chandan Singh Rana, Advocate the petitioner.

Mr. Prabhjot Singh Walia, Asstt. A.G, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.201 dated 17.09.2019, under Sections 458/380/411 IPC, 1860, registered at Police Station Sadar Khanna, District Ludhiana. He is custody since his arrest on 21.10.2019.

The FIR in the present case was registered on the statement of complainant Darshan Ram, wherein it was alleged that he is owner of godown in the name of M/s Om Mills, which is being used for storing the scrap. The brother-in-law of the complainant, namely, Jeera Ram is working as watchman at the said godown in the night time, where two vehicles used to be parked everyday. On 16.09.2019 at 8:00 P.M., it was noticed that both the gates of the godown were lying open and the watchman (Jeera Ram) was lying injured, who informed the complainant that last night, 7-8 Hindu persons had entered the godown with muffled faces and gave him beatings. Three persons stood near him and the others loaded the scrap in a tempo. Thereafter, all the accused persons fled away along with the tempo and the scrap material. According to the complainant,

the assailants had stolen vehicle bearing No.PB-08-B-4532 loaded with 25 quintals of scrap along with 02 gas cutters, 01 small generator and Rs.30,000/-.

Learned counsel for the petitioner contends that the petitioner was arrested on 21.10.2019 and the investigation of the case is complete as the final report was filed on 21.12.2019, however, the charges are yet to be framed. He submits that the petitioner is not required for any investigation, who is presently confined in judicial custody.

On the other hand, learned State counsel, assisted by ASI Nishan Singh, has opposed the prayer on the ground that one bolero vehicle and 22 quinal iron scrap were recovered from the possession of the petitioner and other accused. However, he does not dispute that the challan has been presented and the charges are yet to be framed.

After hearing learned counsel for the parties, this Court finds that the challan has been presented and as the offences are triable by the Magistrate, therefore, keeping in view the fact that the trial of the case is likely to consume considerable time, further custody of the petitioner is not necessary. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Ludhiana.

The petition is allowed.

17.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No