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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.8272 of 2021 (O&M)
Decided on: 13.12.2021

Pardeep @ Sonu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. L.S. Mann, Advocate
for the petitioner.

Mr. Ramdeep P. Singh, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.133 dated 22.11.2020, for offence punishable under Sections 379, 379-B, 380, 411, 34 of the Indian Penal Code (in short 'IPC') registered at Police Station City Nakodar, District Jalandhar (Rural).

Counsel for the petitioner has argued that as per the allegations in the FIR, the Investigating Officer received a secret information that Pardeep @ Sonu i.e. the petitioner and Surinder Singh @ Nikka are habitual in committing theft and are coming on a motorcycle. Thereafter during the checking, the motorcycle bearing registration No.PB-08-AK-9184, was seen coming and the driver of the same told his name as Pardeep @ Sonu and the pillion rider told his name as Surinder @ Nikka and since no proof of the motorcycle could

be produced, the FIR was registered. It is further submitted that later on as per the police 06 stolen motorcycles, 03 gas cylinders, 02 regulators, 12 mobiles, Battery, 02 inverters, oven, etc. were recovered from the house of the petitioner. Counsel for the petitioner has further submitted that it will be a debatable issue, to be decided during the course of trial, whether the offences under Sections 379, 379-B and 411 IPC are made out against the petitioner or not. It is lastly, submitted that the petitioner is in custody for the last about 01 year and the investigation is complete.

Counsel for the State has not disputed the factual position but opposed the prayer for bail on the ground that as per the Custody Certificate, the petitioner is involved in 12 more FIRs.

In reply, counsel for the petitioner has submitted that all the FIRs are registered prior to the year 2013 and it is reflected in the Custody Certificate itself that the petitioner was convicted in those cases for a period of 09 months and he has already undergone the sentence and in between from 2013 to 2021, the petitioner was not involved in any other case and in fact, again it will be a debatable issue whether the recovery was actually effected from the house of the petitioner or was planted upon him.

After hearing the counsel for the parties, without commenting anything on merits of the case, considering the fact that the petitioner is in in custody for the last about 01 year; the offences are triable by the Court of Magistrate; the investigation is complete and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to

his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

13.12.2021
yakub

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