

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

CRM-M-8771-2021 (O&M)

Date of Decision:- 1.3.2021

Kamalpreet @ Nicka

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Narinder Lucky, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Jaskaran Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners seek grant of regular bail in a case registered vide FIR No.72, dated 29.6.2019, Police Station Mehtiana, District Hoshiarpur, under Sections 379-B, 34 IPC.
2. The FIR was lodged at the instance of Manju wherein it has been alleged that on 28.6.2019 when she was going on her Activa scooter, 3 young boys came on a motorcycle and stopped in front of her

scooter. One of them took out a '*datar*' and placed the same on her neck and asked her to hand over all her valuables. It is alleged that the said persons took off her ear-rings, an amount of ₹3800/- and her Samsung mobile and ran away from the spot.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused on the basis of an alleged disclosure statement stated to have been made by the petitioner when he came to be arrested in another case lodged against him under NDPS Act.
4. Opposing the petition, learned State counsel has submitted that since the petitioner himself disclosed having committed the offence in question and was subsequently identified by the complainant, no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 1 year and 4 months and is involved in another 8 cases. It has also been informed that the trial in the instant case is yet to commence.
5. I have considered rival submissions addressed before this Court.
6. The prosecution mainly relies upon a disclosure statement made by the accused, the veracity and admissibility of which would be debatable. In any case, since the petitioner has been behind bars since the last about 1 year and 4 months and 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 bail subject to his furnishing bail bonds to the satisfaction

of learned trial Court/Chief Judicial Magistrate/Duty Magistrate
concerned.

March 1, 2021
mohan

(GURVINDER SINGH GILL)
JUDGE

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