

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

CRM-M-8566 of 2021.
Decided on:- March 17, 2021.

Sukhwinder Singh @ Laddi.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Rajvinder Singh Bains, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.217 dated 25.12.2020 under Sections 457, 381, 436, 201 and 120-B IPC registered at Police Station Urban Estate, Patiala, District Patiala.

Learned counsel for the petitioner contends that apart from the fact that the petitioner is in custody since 15.01.2021, he was not seen in the CCTV footage. Moreover, when the alleged theft was committed i.e. on 21.12.2020, the petitioner was attending his cousin Harjit Singh in

Government Rajendra Hospital, Patiala, who met with an accident at about 09.30 P.M. The petitioner has been implicated in the case on the ground that he is having a Bolero vehicle and the same vehicle was seen in the CCTV footage. Moreover, no registration number of the vehicle is seen in the CCTV footage. Amandeep Singh at whose instance, the petitioner is being named in the present case, is a planted witness. Petitioner neither knows Amandeep Singh nor he (Amandeep Singh) is resident of the locality of the petitioner. There is no other case against the petitioner.

Learned State counsel does not dispute the custody of the petitioner and the fact that there is no other case against the petitioner. However, on a specific query put to learned State counsel as to whether the petitioner was seen in the CCTV footage, he has submitted that the petitioner is not seen in the CCTV footage.

I have heard learned counsel for the parties.

Noticing the fact that the petitioner is in custody since 15.01.2021 and the fact that he is not seen in the CCTV footage, rather, he has claimed that at the relevant time, he was attending his cousin brother in Government Rajendra Hospital, Patiala, this Court finds that the culpability of the petitioner is yet to be established during the trial, of course, on the basis of available evidence, petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

March 17, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No