

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

231

Crl. Misc.M-10500 of 2021

Date of Decision: March 12, 2021

Kapil Kumar Makkar @ Kapil

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rahul Rampal, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

(Through Video Conferencing)

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.237 dated 19.09.2020, under Sections 379-B, 34 of Indian Penal Code 1860 (Section 411 IPC, added later on), registered at Police Station Division No.6, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner herein was not nominated as an accused in the said FIR and came to be arrested on 21.09.2020 on the basis of statement given by the co-accused. It is also contended that no further investigation is required in the matter, since the challan has already been presented, therefore, petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, opposes the bail application, while submitting that the offences alleged against the petitioner are serious in nature, therefore, the petitioner is not entitled to grant of regular bail.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that he was not nominated in the FIR; challan has been presented; co-accused has already been granted bail. He is not required for any further investigation and no useful purpose would be served in keeping the petitioner behind the bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

March 12, 2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No