

CRM-M-22018-2021

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(PROCEEDINGS THROUGH VIDEO CONFERENCING)**

CRM-M-22018-2021**Date of Decision: 15th June, 2021**Monty

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashok Kumar Khunger, Advocate, for the petitioner.

Mr. S.P.S. Tinna, Addl. A.G., Punjab, for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.0059, dated 26.04.2021, under Sections 379-B, 341 and 34 of the Indian Penal Code, registered at Police Station Bahawala, District Fazilka,.

It is the contention of the learned counsel for the petitioner that the FIR in this case has been registered after a period of one and half month from the date of alleged occurrence. In any case, he asserts that the petitioner was not named in the FIR, rather the name of his co-accused Narinder Singh is mentioned. Prayer of said Narinder Singh for grant of regular bail has been accepted by the learned Additional Sessions Judge, Fazilka, vide order dated 04.06.2021. He, therefore, asserts that the present petition be allowed and the petitioner be also released on bail during the

pendency of the trial.

Learned counsel for the State submits that although the petitioner has not been named in the FIR but during the investigation, it has come to light that four persons were involved in the commission of offence. He points out that in the FIR, apart from naming one person, others were also mentioned as unknown but their involvement was clearly mentioned. He, however, could not dispute the fact that co-accused of the petitioner, namely Narinder Singh, who was named in the FIR, has been granted the bail by the Court below.

Having considered the submissions made by the learned counsel for the parties and keeping in view the facts that the petitioner was not named in the FIR which was registered after a period of one and half month, with co-accused of the petitioner has been granted bail by the Court below vide order dated 04.06.2021 and there being no other case against the petitioner as per the custody certificate, this criminal miscellaneous petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Illaqa Magistrate/trial Court/Duty Magistrate, concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

15th June, 2021
Harish

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