

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

CRM-M-30018-2021.
Date of Decision:-20.08.2021.

Naginder Singh alias Gori

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Munish Gulati, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.29 dated 02.03.2021, registered under Sections 399/402 IPC and Sections 25 and 27 of the Arms Act, 1959, at Police Station Baghapurana, District Moga.

Custody certificate dated 19.08.2021 filed by the learned State counsel is taken on record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. As per the prosecution case, there is no allegation that actual act of either robbery/dacoity has been committed and the petitioner has been arrested by

alleging that he, along with other persons, was planning to commit robbery. It is argued that no overt act has been attributed to the petitioner. It is further stated that the petitioner is not involved in any other case and has been in custody since 02.03.2021 i.e., 05 months and 14 days. It is also submitted that the *challan* has already been presented and there are 12 witnesses, however, none have been examined.

Learned State counsel states that the the anticipatory bail of the co-accused of the petitioner has been dismissed and has further stated that the case is now fixed for framing of charge for 24.08.2021. The other factual assertions made by learned counsel for the petitioner could not be disputed by the learned counsel for the State.

This Court has heard the learned counsel for the parties.

Without expressing any opinion on the merits of the case and keeping in view the above said facts and circumstances, moreover the fact that no overt act has been committed by the petitioner and as per the prosecution case, the petitioner, along with other persons, was planning to commit robbery and also the fact that there is no other criminal case against the petitioner and the *challan* has been filed and trial is at initial stage, as none of the 12 witnesses have been examined and it is only fixed for framing of charges, this Court deems it appropriate to allow the present petition and release the petitioner on bail.

Hence, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

(VIKAS BAHL)
JUDGE

August 20, 2021.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.