

CRM-M-38337-2021

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

CRM-M-38337-2021.
Date of Decision:-22.09.2021.

Arshpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gaurav Sharma, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

Prayer in the present petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.29 dated 17.05.2021 under Sections 341, 379-B, 392, 411 and 34 IPC, registered at Police Station Sehna, District Barnala.

Learned counsel for the petitioner has submitted that the petitioner has never been involved in any case and he has been falsely implicated in the present case. It has been submitted that in the present case, challan has been presented and the mobile phone has already been recovered and the recovery from the petitioner is of an amount of Rs.2,000/-. It is further submitted that there are total 09 prosecution witnesses and out of the same, none have been examined and the petitioner

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has been in custody since 17.05.2021 and the trial is not likely to conclude in the near future. It is further submitted that the co-accused of the petitioner i.e., Kuldeep Kaur, who is similarly placed as the present petitioner has already been granted the concession of regular bail vide order of this Court dated 01.09.2021 passed in **CRM-M-35066-2021**.

Although, learned State counsel has opposed the present bail application for grant of regular bail to the petitioner but could not dispute the factual position highlighted by learned counsel for the petitioner. Learned State counsel has also produced the custody certificate, which is taken on record, as per which the petitioner has already undergone actual sentence of custody of 04 months and 02 days and is not involved in any other case.

Keeping in view the above said facts and circumstances of the present case moreso, the fact that the petitioner is in custody since 17.05.2021 and has never been involved in any other criminal case and also the fact that the challan has already been presented and there are 09 prosecution witnesses out of which no one has been examined, thus, the conclusion of trial is likely to take long and even the recovery has already been effected and the fact that this Court has granted the concession of regular bail to the co-accused Kuldeep Kaur, who is similarly placed as the present petitioner, this Court deems it appropriate to grant regular bail to the present petitioner.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

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However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

September 22, 2021.
sandeep
Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No