

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.40129 of 2020
Date of Decision: November 15, 2021

Mohd.Soyab

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Jitender Singh Dadwal, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.139 dated 27.10.2020, under Sections 457, 380 IPC, 1860 and Sections 379-B, 342, 506 IPC (added later on), registered at Police Station, Meharban, District Ludhiana, who is in custody since his arrest on 02.11.2020.

The contents of the FIR, as noticed by the Additional Sessions Judge, Ludhiana, in his order dated 20.11.2020 while dismissing the bail application of the petitioner, are as under:-

“From the perusal of the police record it transpires that present FIR was registered on the basis of statement of complainant Ashok Kumar S/o Late Sh.Sadhu Ram, wherein he stated that he is running a factory under the name & Style of M/s. Saran Knitwear, 20 Golden Hosiery Complex, Rahon Road, Khwajke, P. S. Meharban, where he used to prepare

Jackets, T-shirts & Lower in his factory. There are twenty employees in the factory. Two persons namely Pal Singh and Sidh Nath Tiwari are also working in his factory, who both used to reside in the rooms built in the factory itself. Complainant further stated that on 26.10.2020, as usual after getting closed his factory at about 7.00 p.m., he went to his house. At about 2.25 am, he received a call from the mobile of above said two persons Pal Singh and Sidh Nath Tiwari, who stated that at about 1.00 a.m., 10/12 unknown persons entered into the room after climbing the wall of the factory and those people snatched their mobiles and locked them in a room. Thereafter, those unknown persons after loading the Jackets, T-Shirts & Lowers lying in the store room in the Mahindra Pick Up vehicle, fled away. Complainant alongwith his friend Gagan Duggal went to his factory and on checking it was found that 2500 Jackets, 600 T-shirts and 500 Lowers (Pyjama) were taken by the unknown persons with them. It was also found that those persons also took DVR of CCTV camera with them. Prayer has been made to take action against the accused persons.”

Learned counsel for the petitioner has argued that the co-accused of the petitioner have already been released on regular bail and as the trial is not progressing, the further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel, assisted by ASI Sukhwinder Singh has opposed the prayer and argued that though the petitioner is involved in two other cases, but he is on bail in those cases. According to him, the charges were framed on 09.08.2021, but prosecution witnesses are yet to be examined.

At this stage, learned counsel for the petitioner has argued that the petitioner and other co-accused were already accused in FIR No.141

dated 31.10.2020, under Sections 399 and 402 IPC, Police Station Meharban, who were implicated falsely in this case as well.

After hearing the learned counsel for the parties, considering the above background and the fact that the trial is yet to commence, this court is of the opinion that the possibility of conclusion of trial in near future is extremely bleak. The prosecution witnesses are either the complainant or the police officials and at present there does not seem to be any possibility of their being won over, therefore, the further detention of the petitioner behind the bars would not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Ludhiana.

November 15, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No