

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

106

CRM-M-42735-2020(O&M)

Date of Decision: 10.09.2021

Kalu @ Kaliya

....Petitioner.

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Sidhharth Gupta, Advocate for petitioner.

Mr. Mehardeep Singh, Additional Advocate General,
Punjab.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner- **Kalu @ Kaliya** in case F.I.R. No.80 dated 16.05.2020 under Sections 380 and 457 IPC (offence under Section 411 IPC added later on), registered at Police Station Civil Lines Bathinda, District Bathinda.

Though vide order dated 03.08.2021, status report was called from the Trial Court but till date no such report has been received from quarter concerned.

Faced with this situation, learned State counsel, after having sought instructions from Assistant Sub Inspector Maghu Singh, submits that the next date of hearing before the Trial Court is 22.09.2021. He further submits that ten (10) prosecution witnesses have already been examined by the Trial Court till date including the complainant and Investigating Officer.

Learned counsel for petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that though allegedly stolen gold ornaments weighing 395 grams were got recovered from petitioner but the said recovery is planted one. He further submits that co-accused Karanvir Singh @ Jony Baba, on similar allegations, has already been released on bail, vide order dated 11.02.2021 by the Trial Court. He further submits that testimonies of complainant (PW-1 Amrish Goyal) and Investigating Officer have already been recorded. He further submits that petitioner is languishing in custody since 18.05.2020 and since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 18.05.2020; that co-accused Karanvir Singh @ Jony Baba, on similar allegations, has already been released on bail vide order dated 11.02.2021 by the Trial Court; that since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner- **Kalu @ Kaliya** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Bathinda, as the case may be.

(LALIT BATRA)
JUDGE

10.09.2021
D.gulati

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No