

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47859-2021 (O&M)

Date of decision: 22.11.2021

Rajiv Kumar @ Bobby

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. J. P. Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 131 dated 15.08.2020 registered under Section 379-B IPC (Section 411 IPC added later on) at Police Station Mallanwala, District Ferozepur.

Learned counsel for the petitioner relies upon the order dated 17.11.2021 passed by this Court vide which co-accused namely Micheal and Gobinda have been granted the concession of regular bail.

Relevant para of the above said order is as follows:

“Learned counsel for the petitioners submits that as per allegations in the FIR, registered at the instance of Jajbir Singh, on 14.08.2020, after parking tractor-trolley with Jagraj Singh, he was going to his house on his motorcycle. When he arrived near a

canal bridge, two motorcycles came from the backside. Two young persons were riding on first motorcycle and three were riding on another motorcycle and they were having muffled faces. By showing the firearm, they took away his wallet having Rs.430/-, Aadhar Card, PAN card and his motorcycle. It is further submitted that petitioner Micheal is in custody for the last 01 year, 02 months and 26 days and is involved in one more case, in which he is on production warrant and petitioner Gobinda is not involved in any other case and later on, he was declared proclaimed offender and arrested on 19.02.2021 and since then, he is in custody.

Learned State counsel, on the basis of custody certificate, filed in the Court today, has submitted that after arrest of the petitioners, two more persons were arrested and six motorcycles were recovered.

After hearing learned counsel for the parties, without commenting anything further on merits of the case and considering the fact that both the petitioners are in long custody and the trial has not commenced so far and no prosecution witness has been examined, both these petitions are allowed and the petitioners are directed to be released on regular

bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned”.

Learned counsel for the petitioner submits that the petitioner is in custody from the last seven months and is not involved in any other case, as per the custody certificate.

Learned State counsel, on the basis of custody certificate, could not dispute the factual position.

After hearing learned counsel for the parties and considering the fact that co-accused have already been granted the concession of regular bail and the petitioner is in custody for the last seven months and the investigation stands complete. Without commenting anything further on merits of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

22.11.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No