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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44105-2020 (O&M)
Date of decision-22.03.2021

Sonu Hussain @ Chhotu

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S. Jaidka, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, D.A.G., Punjab.

MANOJ BAJAJ, J.

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 registered under Sections 457, 380 of Indian Penal Code, 1860 and Sections 379-B, 342 and 506 of Indian Penal Code (added later on) at Police Station Meharban, District Ludhiana. The petitioner is in custody since his arrest on 02.11.2020.

The allegations contained in the FIR have been noticed by the Additional Sessions Judge, Ludhiana in his order dated 15.12.2020, which reads 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.”

Learned counsel for the petitioner contends that the petitioner was indicated as an accused in case FIR No.141 dated 31.10.2020 (Anneuxre P-2) and was granted pre-arrest bail by the Court of Sessions, but later on the petitioner was falsely implicated in the present case as well on the basis of disclosure statement made by co-accused Babar @ Dabar. He submits that the investigation of the case is complete, therefore the petitioner be released on regular bail.

Learned State counsel assisted by ASI Kamaljit has pointed out that the stolen articles have already been recovered from the petitioner and the petitioner is involved in one more case, but in the said case, he is on bail. Learned State counsel on instructions further states that the investigation of the case is complete but the charges are yet to be framed by the trial Court.

After hearing the learned counsel for the parties, this Court finds that the investigation in case FIR No.139 dated 27.10.2020 is over as the

final report already stands filed against the petitioner. Since the trial is yet to commence and the same is likely to consume considerable time to conclude, therefore, further detention of the petitioner may not be justified for any useful purpose, who is presently confined in judicial custody after his arrest on 02.11.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, 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 concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

22.03.2021

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No