

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-52174-2021 (O&M)
Date of Decision:- 17.12.2021

Nirbhai Singh

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Gupta, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Iqbal Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.164, dated 16.7.2021, Police Station City Kot-Kapura, District Faridkot, under Sections 411, 420, 465, 467, 468, 471, 474, 120-B IPC.
2. The FIR was lodged at the instance of Rajinder Kumar, wherein it is alleged that he owns a Splendor motorcycle, Model 2015, bearing registration No.PB-04W-4437, which stands registered in his name. It is alleged that on 10.7.2021 he had parked his motorcycle in front

of his house and had gone inside the home to have lunch but when he came out after having lunch after about half an hour, his motorcycle was missing. It is alleged that although he had been making efforts to trace the motorcycle but the same could not be located but now he strongly believed that his motorcycle had been stolen by Rajan Kumar, Manpreet Singh and Nirbhai Singh and that he had seen all three of them sitting below the railway bridge and that he personally knows them and in case a raid is conducted, then all the three accused could be nabbed and his motorcycle could be recovered. While the incident had taken place on 10.7.2021, the FIR was lodged on 16.7.2021 and the motorcycle is stated to have been recovered from the accused on 17.7.2021.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he has a clean record. It has further been submitted that in any case since challan already stands presented and the motorcycle stands recovered, his further detention is not required for any purpose.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and motorcycle in question was recovered from all the accused, the allegations stand fully substantiated and in these circumstances, the petitioner does not deserve the concession of bail. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 5 months and is not involved in any other case.
5. I have considered rival submissions addressed before this Court.

6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has a clean record and in any case has been behind bars for a substantial period of 5 months and challan already stands presented, his further detention would not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.12.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No