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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-652-2022 (O&M)
Date of decision : 19.05.2022**

Sheeshpal**....Petitioner****Vs.****State of Punjab****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Prabhdeep Singh, Advocate for the petitioner.

Mr. Sandeep Singh Deol, 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.0082 dated 25.04.2021 registered under Sections 365, 379-A and 120-B Indian Penal Code, 1860 (Section 379-B (ii) IPC added later on and Section 379-A IPC stands deleted) at Police Station Samrala, District Khanna, who is in custody since his arrest on 25.04.2021.

The FIR was registered on the statement of Sukhvir Singh son of Labh Singh, wherein it was alleged that on 24.04.2021, his vehicle (truck-make LP-3118) bearing No.PB-12-M-8373 was loaded with 500 wheat bags, which was to be unloaded at Samrala Warehouse by driver Babu Kumar. At 10.30 p.m., complainant received a call from Balwinder Singh @ Binda, who informed him that his vehicle is taken away by some unknown persons after giving beatings to the driver-Babu Ram. On these broad allegations, the FIR was registered.

Learned senior counsel has argued that as per allegations in the FIR, a truck loaded with 500 wheat bags and driven by Babu Ram was snatched away by

accused persons and later on, the same was found to be parked at a godown owned by Deepak Bansal. He submits that the alleged occurrence took place on 25.04.2021 and accused were arrested on 21.06.2021 and the petitioner is a commission agent, who has been falsely implicated on the strength of disclosure statement (Annexure P-4) by Deepak Bansal. According to learned senior counsel, stand of Deepak Bansal has not been believed as in the final report filed under Section 173 (2) Cr.P.C., it is specifically recorded that neither the ownership of the godown is in the name of accused-Sheeshpal, nor he has anything to do with it, but despite that he has been sent to face trial. Learned Senior counsel has further stated that the driver of the truck, namely, Babu Ram (PW-1) has been examined as prosecution witness, who has not implicated the petitioner as one of the accused of the alleged crime. His deposition is Annexure P-5. He prays for bail

On the other hand, learned State counsel assisted by ASI Singhara Singh while opposing the prayer is unable to refute the stand of the learned senior counsel as far as the case against the Sheeshpal has been set up by prosecution. However, according to him, the petitioner actively participated in the crime along with other persons, namely, Lakhwinder Singh @ Lakha, Rajinder Kumar, Karamjit Singh and Satpal Garg. He on instruction further submits that out of total 17 prosecution witnesses, only 07 witnesses has been examined so far.

After hearing learned counsel for the parties, considering the above background, custody of the petitioner as well as the fact that the material witnesses have already been examined, this Court is of the opinion that further detention of the petitioner behind the bars may not be necessary. Apart from it, the remaining witnesses are police officials and at present there does not seem to be any possibility of their being won over.

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/Duty Magistrate.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

19.05.2022

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