

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

204

CRM-M-2274-2022

Date of decision: 23.02.2022

DAVINDER KUMAR @ KAKA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Rahul Rampal, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent-State.

SANT PARKASH, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 25 dated 04.02.2019 registered under Sections 457 and 380 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station City Malout, District Sri Muktsar Sahib to which Section 411 of the IPC was added later on.

The allegations against the petitioner in the present FIR are that he along with his co-accused Rajiv Kumar alias Sheru committed theft of 45 bags of rice weighing 18 quintals from the shop of the complainant.

The petition has been opposed by learned State Counsel.

However, no reply has been filed on behalf of respondent/State.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. The present FIR has been registered on the basis of suspicion on the part of complainant. There is nothing to connect the petitioner with the commission of offence. The petitioner is involved in two other cases and in the said cases his co-accused has already been acquitted. The petitioner is in custody since 08.07.2021. Challan has already been presented. Nothing is to be recovered from the petitioner. Trial is likely to take long time. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel opposed the submissions of learned Counsel for the petitioner and has stated that the allegations against the petitioner are serious. He is a habitual offender and has been involved in two other cases of similar nature. Therefore, the petition for grant of regular bail to the petitioner may be dismissed.

Having considered the facts and circumstances of the case, the period of custody undergone by the petitioner, custodial interrogation of the petitioner not required for effecting any recovery, Challan has already been presented, trial is likely to take long time but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail

subject to his furnishing of two sound local sureties of Rs.50,000/- each to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.02.2022

kavneet singh

(SANT PARKASH)
JUDGE

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