

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

CRM-M-5501-2022 (O&M)
Date of Decision:-15.2.2022

Balour Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Adarsh Deep Singh, Advocate for the petitioner.

Mr. M.S. Dullat, Addl.A.G., Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.105 dated 5.7.2021 at Police Station Jaito District Faridkot under Section 379 of Indian Penal Code, wherein offences under Sections 411, 201 and 379-B of Indian Penal Code were added later on.
2. The FIR was lodged on the basis of secret information received by the police to the effect that Harjinder Singh @ Chiku, Nirmal Singh @ Nimma and Mota son of Jelly (petitioner Balour Singh @ Mota) had constituted a *gang* for the purpose of stealing wires from the motors installed in the fields and used to sell the wires after stealing the same to one Kakki Singh. Pursuant to

receipt of aforesaid information accused Kakki Singh was arrested on 5.7.2021 and 2½ kilograms of copper wire was recovered from him. The police was also able to apprehend Harjinder Singh @ Chiku alongwith a motorcycle and 3 kgs. of copper wires. During interrogation, Kakki Singh disclosed that after purchasing the copper from accused, he used to sell the same to Sanjeev Kumar son of Mohinder Singh. Pursuant to disclosure statement of Kakki, Sanjeev Kumar was arrested and 50 kgs of copper alongwith one weighing scale was recovered from him. Vide DDR No.26 dated 6.7.2021, Amandeep Singh @ Rinku was nominated as accused. Accused Balour Singh @ Mota and Amandeep Singh @ Rinku were arrested and from their possession one Motorcycle, one gas pipe cutter, aluminum cable wire and copper wire were recovered. During interrogation, they disclosed that they have stolen wires and copper from fields of different villages. On recovery of stolen articles from accused persons, offence under Section 411 IPC was added. During interrogation, accused Harjinder Singh @ Cheeku, Amandeep Singh @ Rinku and Balour Singh @ Mota disclosed that they alongwith Nirmal Singh @ Nimma, while going from village Aklian Kalan to village Bishnandi, snatched the ear rings of a woman and sold the same to some unknown person for Rs.5000/- and also snatched one ear ring of a woman, in the area of Jaitu and sold the same for Rs.4000/- and have spent the said amount on intoxicants etc. On the basis of said disclosure statement, offence under Section 379-B IPC was added, vide DDR No.43 dated 7.7.2021, qua accused Harjinder Singh @ Cheeku, Balour Singh @ Mota, Amandeep Singh @ Rinku and Nirmal Singh @ Nimma. Accused Nirmal Singh @ Nimma was arrested on 12.7.2021 on the basis of his disclosure statement, he got recovered 30 feet aluminum wire.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, the petitioner as on date has been behind bars since the last about 7 months and since conclusion of trial is likely to consume time, he deserves the concession of bail. Learned counsel has submitted that since co-accused Nirmal Singh @ Nimma has already been granted bail by this Court vide order dated 26.11.2021 (Annexure P-3), the petitioner deserves the same concession on grounds of parity.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and that when he was arrested, he was found in possession of a gas pipe cutter, aluminum cable wire and copper wire and had also disclosed having stolen wires and copper from the fields of villagers and a motorcycle as well, no case for grant of bail is made out. Learned State counsel has not disputed the fact that the petitioner has been behind bars since the last about 7 months and that the petitioner is not involved in any other case. It has been informed that as on date none out of the cited 14 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the petitioner is named in the FIR and when he was arrested recovery of a gas pipe cutter, aluminum cable wire, copper wire and a motorcycle is stated to have been effected from the petitioner. However, the petitioner as on date has been behind bars for a substantial period of about 7 months. Conclusion of trial is likely to consume time as none out of the cited 14 PWs has been examined so far. The petitioner otherwise has a clean record and is not stated to be involved in any other case.

7. In view of the aforestated reasons and also on grounds of parity as identically situated co-accused namely Nirmal Singh @ Nimma has already been granted bail, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.2.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No