

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

-.-

CRM-M-5852-2022 (O&M)
DATE OF DECISION : 22.02.2022

Pardeep Kumar @ Pardeep and Another

.....Petitioners

versus

State of Punjab

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jaswinder Singh Grewal, Advocate for the petitioners.

Mr. H.S.Multani, AAG Punjab.

ALKA SARIN, J. (Oral):

Heard in physical mode.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioners in FIR No.103 dated 16.12.2021 registered under Sections 379-B, 411 of the Indian Penal Code, 1860 (for short, 'IPC') at Police Station City 2 Abohar, District Fazilka.

Learned counsel for the petitioners would contend that the present FIR has been lodged on the basis of secret information and two mobile phones are alleged to have been recovered from the petitioners. There is no other material on the record to link the petitioners to any such offence. Learned counsel would further contend that from the bare perusal of the FIR, ingredients of both the Sections i.e under Sections 379-B and 411 IPC are not made out.

Notice of motion.

Mr. H.S.Multani, AAG Punjab accepts notice and has filed the custody certificates of the petitioners. He states that there is no other case pending against the petitioners. The learned counsel for the State is not in a position to deny the factual averments as made by learned counsel for the petitioners.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case and keeping in view the fact that there is no material besides the alleged recovery of two mobile phones and the fact that the FIR has been lodged only on the basis of secret information and also the fact that the trial is likely to take some time to conclude, I deem this to be a fit case to grant the concession of regular bail to the petitioners. The petitioners are directed to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioners are found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

February 22, 2022
tripti

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
