

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

CRM-M-8404-2022 (O&M)

Date of Decision:- 7.12.2022

Shinder Pal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Sharma, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab.
assisted by ASI Heera Lal.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. 63 dated 13.7.2021 under Sections 379, 411 IPC (Offences under Section 482, 465, 467, 468, 471/34 IPC added lateron) at Police Station Division No. 4, District Police Commissionerate Jalandhar.
2. As per the case of prosecution on 13.7.2021, the police received secret information to the effect that Surinder Pal @ Shinder (petitioner) and Sanjeev Kumar used to steal motorcycles, tractors and other articles and that on the given day they were proceeding on a stolen vehicle bearing registration No. PB-08-AY-4340 and were coming from Nakodar. Pursuant to receipt of said information, barricading was held and the police was able to intercept the aforesaid two persons who were riding on motorcycle bearing Registration No. PB-08-AY-4340. Upon interrogation, they disclosed that they had stolen the said motorcycle from Dilkhusa Market,

Jalandhar and that infact they had also stolen two motorcycles, one of which had already been sold. They further disclosed having stolen a tractor and yet another motorcycle, batteries, girders etc.

3. The learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case and that in any case since the petitioner had been behind bars since the last about 1 year and 4 months and since even the trial has not commenced till date, the petitioner deserves to be released on bail.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and was caught red handed while riding a stolen motorcycle, no case for grant of bail is made out. It has, however, been informed that the petitioner has been behind bars since the last about 1 year and 4 months. The learned State counsel has also informed that in the instant case, charges are yet to be framed and as many as 21 PWs have been cited. The learned State counsel has pointed out that the petitioner happens to be involved in one more case.
5. This Court has considered the rival submissions.
6. It is no doubt correct that the petitioner is named in the FIR and was caught while riding a stolen vehicle. However, this Court cannot lose sight of the fact that the petitioner has been behind bars since the last about 1 year and 4 months. Conclusion of trial is likely to consume time inasmuch as the trial has not even commenced till date and as many as 21 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose.

7. The petition, as such, 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.

7.12.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No