

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-9436-2022

Date of Decision: 10.3.2022

Babbu Khan

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.S.Bhinder, Advocate
for the petitioner.

Mr. R.S.Maan, DAG, Punjab.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.207 dated 22.9.2021 registered for the offences punishable under Sections 307, 324, 395 IPC (Section 411 IPC added later on) and Sections 25, 54, 59 of Arms Act at Police Station Passiana, District Patiala.

Counsel for the petitioner submitted that the petitioner was nominated as accused solely on the basis of supplementary statement made by the complainant. Later on, he was arrested but no incriminating article was recovered from him. He further submitted that alleged Innova Car bearing registration No.PB11-CL-7420 used at the time of the incident which was later on recovered also did not belong to the petitioner. He further made prayer that it will take time for conclusion of the trial and as such, the petitioner be released on regular bail.

Present petition is contested by the counsel for the State who

submitted that the case is relating to snatching of truck loaded with 16 ton of iron rods (*saria*) and iron *pattis*. It is further contended that the petitioner is facing serious allegations.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner was not named in the FIR and his name appeared in the supplementary statement of the complainant which was recorded on the next day of the registration of FIR. As per counsel for the State, no recovery was effected from the petitioner who was arrested in the present case on 23.9.2021 and is presently lodged in judicial custody. Even Innova car bearing registration No.PB11-CL-7420 used at the time of the occurrence is not stated to be owned by the petitioner. Trial in this case is yet to begin.

It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

March 10, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No