

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

CRM-M No.17140 of 2021

Date of decision: 17th August, 2022

Babbu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurmeet S. Saini, Advocate for the petitioner.
Mr. K.K. Beniwala, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.58 dated 08.06.2020 under Sections 399, 402 IPC and Sections 25, 27 of the Arms Act 1959 registered with Police Station Kot Ise Khan, District Moga.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition on 14.01.2021, charges stand framed, a few prosecution witnesses stand examined and similarly situated co-accused have been admitted to bail by this Court as well as the trial Court. Learned counsel has vehemently argued that false allegations have been levelled in the FIR that all the accused including the petitioner were planning a dacoity and when the raid was conducted

by the police, he was apprehended along with ₹ 36,000/- and a Kappa. He further submits that the petitioner was falsely involved in another case under Sections 399/402 IPC four days prior to the registration of the FIR in question, wherein neither was he named in the FIR nor any recovery effected from him. It has also been submitted that similarly situated co-accused, who too were named in the secret information, have since been extended concession of bail by this Court as well as the trial Court. He further submits that the petitioner has now been in custody for more than 2 years having been arrested on 08.06.2020. There is no likelihood of the trial concluding in the near future as 17 prosecution witnesses remain to be examined.

Per contra, learned State counsel while opposing the bail and submissions made by learned counsel for the petitioner, on instructions from ASI Harmesh Lal, has conceded that similarly situated co-accused have since been extended the concession of bail by this Court as well as the trial Court. He has not been able to controvert that in the other case registered against the petitioner, neither was he named nor any recovery effected from him. However, he submits that in view of the recovery of ₹ 36,000/- and a Kappa from the petitioner, he be not extended the concession of bail.

Heard.

The petitioner has been in custody since 08.06.2020 and as many as 17 prosecution witnesses remain to be examined. Similarly situated co-accused, as conceded by the learned State counsel, have been

admitted to bail. Thus, in the aforementioned facts and circumstances, this Court deems it fit to admit the petitioner to bail. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 17, 2022
rps

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