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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.17364 of 2022 (O&M)
Date of decision: 02.05.2022

Abhay Mittal

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amit Goyal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.44 dated 19.03.2022, for offence punishable under Sections 399, 402 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Moti Nagar, District Police Commissionerate, Ludhiana.

Counsel for the petitioner has submitted that the petitioner is the first offender and he is in custody for the last 01 month and 10 days and he is not involved in any other case. It is also submitted that the only allegation against the petitioner is that he along with other co-accused was preparing for committing the offence of dacoity. It is further argued that there is no evidence with the police as to how the petitioner was part of the unlawful assembly, which was preparing to commit the offence as only an iron rod has been recovered from the

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possession of the petitioner.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 month and 10 days; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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