

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

CRM-M-18456 of 2022(O&M)

Date of Decision: 03.08.2022

Davinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. F.S. Virk, Advocate
For the petitioner.**

Ms. Samina Dhir, DAG Punjab.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 207 dated 22.09.2021, registered under Sections 395, 307 and 324 IPC and Sections 25/54/59 of Arms Act at Police Station Passiana, District Patiala.

Learned counsel for the petitioner submits that the petitioner was named as an accused only on the basis of supplementary statement made by the complainant. Lateron, the petitioner was arrested on 23.09.2021 along with co-accused Ramesh Kumar and some other persons while they were travelling in one Innova Car. The said car was not owned by the petitioner. Only two iron rods and one ice pick stated to be recovered from the possession of petitioner during the investigation of this case, along with said Innova Car. The counsel for the petitioner further contends that after the presentation of challan charges have been framed and it will take time for the trial to conclude. The counsel further

submits that similarly situated co-accused Ramesh Kumar has been granted interim anticipatory bail by this Court vide order dated 29.04.2022 in CRM-M-16456 of 2022.

The present petition is contested by the State counsel who submits that the present case is relating to snatching of truck loaded with 16 tons of iron rods (saria) and iron pattis. He further submits that the petitioner is facing serious allegations and the trial is at its initial stage. However, the State counsel on instructions from ASI Bhagwant Singh has not disputed the fact that after framing of charges now the case is fixed for prosecution evidence and even the custody period of the petitioner and the recovery stated to be effected from him are not disputed by the State counsel. The fact regarding grant of interim bail to co-accused Ramesh Kumar has also not been refuted by the State counsel.

I have considered the submissions made by learned counsel for the petitioner as well as learned State counsel.

The petitioner who was not named in the FIR is in custody since 23.09.2021. The recoveries have already been effected in the present case and now the trial has commenced and it will take time for the trial to conclude. Admittedly, similarly situated co-accused Ramesh Kumar has been granted interim anticipatory bail by this Court vide order dated 29.04.2022. In these circumstances, no useful purpose is going to serve by keeping the petitioner in custody for any longer period.

In view of the above, without commenting on the merits of the case, instant petition is allowed. The petitioner is ordered to be

released on regular bail during trial on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate concerned.

03.08.2022

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**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No