

S.No.208

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

CRM-M-19341 of 2022

Date of Decision:13.05.2022

Kulwinder Singh @ Kalu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Mukesh Mehra, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

This is the first petition filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.44 dated 12.03.2021 registered under Sections 379-B, 201, 34 Indian Penal Code at Police Station City-2, District Mansa (Punjab).

Learned counsel appearing on behalf of the petitioner has vehemently contended that the case of the prosecution emanates on the basis of a complaint submitted by Kulwant Singh alleging that on 12.03.2021 when he along with his nephew Sukhwaran Singh was going on foot to hand over an envelope containing Rs.10,000/- to his friend. At about 6:00 P.M., they had halted as the laces of shoes of his nephew has opened, and when his nephew was tying the laces, two pedestrians came hurriedly and one of them was identified as Kulwinder Singh (petitioner herein). The second person accompanying him gave a push and Kulwinder Singh snatched the envelope containing Rs.10,000/- and fled away from the spot. He submits that the petitioner has been in custody since 05.07.2021 and the investigation in the case is already complete as final report has been filed on 03.09.2021. He contends that the prosecution evidence has not commenced and that the conclusion of the trial shall take a long time.

Per contra, learned counsel on behalf of the State of Punjab has submitted that it is a case of eye witness testimony and that the victim has identified the petitioner to have snatched the money. It is further submitted that there are 19 other cases registered against the petitioner and that he is a habitual offender involved in multiple cases. He further submits that concession of any indulgence is likely to result in the petitioner engaging in further criminal activities. It is not disputed that even though charge has been framed, however, no evidence has been led so far in the instant case. It is also submitted by the learned State Counsel that the petitioner has not been released on bail in the other cases.

I have considered the rival submissions on behalf of both the parties and have taken into account the actual period of custody undergone by the petitioner which is nearly 11 months in the present case and the fact that the trial has not commenced so far. I am also conscious of the fact that the grant of bail would not amount to the petitioner being released from custody till such time that he is granted bail or acquitted in the other cases that have been registered against him. The investigation is already complete and the recovery already stands effected. Hence, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Trial Court/ Duty Magistrate concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

May 13, 2022
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(VINOD S. BHARDWAJ)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No