

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23739-2022 (O&M)

DATE OF DECISION: SEPTEMBER 21, 2022

KAMALJIT SINGH @ BILLA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. MOHIT VASHISHAT, ADVOCATE FOR THE PETITIONER.
MR. KUNAL MUTHREJA, AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

CRM-34713-2022

This application is for preponing the date of hearing of the main petition to an early date, which is fixed for 28.9.2022.

Notice in the application.

At this stage, Mr. Kunal Muthreja, AAG, Punjab accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and date of hearing is preponed to today.

Main Case

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.82 dated 25.4.2021, under Section 365, 379A, 120B, 411 IPC, Police Station Samrala (later on Section 379A converted to Section 379B(ii) IPC), who is in custody since his arrest on 25.4.2021.

The FIR was registered on the statement of Sukhvir Singh son of Labh Singh, wherein it was alleged that on 24.04.2021, his truck bearing

No.PB-12-M-8373 was loaded with 500 wheat bags, which was to be unloaded at Samrala Warehouse by driver Babu Kumar. At 10.30 p.m., complainant received a call from Balwinder Singh @ Binda, who informed him that his vehicle is taken away by some unknown persons after giving beatings to the driver-Babu Ram. On these broad allegations, the FIR was registered.

Learned counsel has argued that as per allegations in the FIR, a truck loaded with 500 wheat bags was snatched away by accused persons and later on, the same was found to be parked at a godown owned by Deepak Bansal. He submits that the charges were framed on 16.7.2011 and till date out of total 17 prosecution witnesses, only 7 witnesses have been examined. Learned counsel refers to the deposition of material witnesses [Annexure P-5 (Colly)] to contend that they have not supported the prosecution case. He further submits that the co-accused of the petitioner has already been granted bail by this Court vide order dated 19.5.2022 (Annexure P-6) through CRM-M-652-2022. He prays for bail.

On the other hand, learned State counsel assisted by ASI Pal Ram has opposed the aforesaid prayer, however, he has not disputed that the co-accused of the petitioner has already been granted bail and 10 prosecution witnesses still remain to be examined.

After hearing learned counsel for the parties and considering the above background, the custody of the petitioner, and the fact that the material witnesses have been examined and the co-accused of the petitioner has already been granted the concession of regular bail, the further detention of the petitioner may not be necessary for any useful purpose, as the trial

would take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

September 21, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No