

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

CRM-M-25211-2022 (O&M)

Date of decision: 18.07.2022

Sukhwinder Singh @ Sukh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 78 dated 13.04.2022, registered under Sections 399, 402, 411 IPC and Sections 25 and 27 of the Arms Act, 1959, at Police Station City Malout, District Sri Muktsar Sahib.

Reply by way of affidavit dated 17.07.2022 of the Deputy Superintendent of Police, Sub-Division Malout, District Sri Muktsar Sahib, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that the FIR was registered on a secret information; that the petitioner has falsely been implicated in the present case; that the allegations against the petitioner are that he along with other co-accused was planning to commit a dacoity; that as a matter of fact, no such occurrence took place; that recovery of one sword was shown to have been effected from the petitioner; that the challan stands

presented; that the petitioner has been in custody since 13.04.2022 and that the petitioner is not involved in any other case.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner and co-accused were in the process of committing dacoity and recovery of one sword was effected from the petitioner. However, he does not dispute the custody period of the petitioner and the fact that there is no other case against the petitioner. He submits that the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 13.04.2022. No dacoity was committed by the petitioner. Moreover, there is no other case against the petitioner. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

18.07.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No