

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

CRM-M-27551 of 2022(O&M)

Date of Decision: 13.07.2022

Sainsar Pal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Deepak Goyal, Advocate
For the petitioner.**

Ms. Jaspreet Kaur, AAG Punjab.

**Mr. Rajni Kant Upadhyay, Advocate
for the complainant.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No. 29 dated 24.04.2022, registered under Sections 451, 323, 457, 380, 148 and 149 IPC at Police Station Khanauri, District Sangrur, to which Section 120-B IPC was added lateron.

The counsel for the petitioner contends that the petitioner was not named in the FIR and lateron he was falsely arraigned as accused in the present case and is in custody since 10.06.2022. The counsel further contends that even otherwise as per allegations in the FIR, the complainant sustained simple injuries at the hands of the person who attacked him at the time of the alleged occurrence. The allegation regarding theft of articles lying in the shop of the complainant are not specific and are general in nature. The counsel further contends that

similarly situated co-accused Darshan Singh and Rohit Kumar have already been granted ad interim bail by this Court.

The present petition is contested by the State counsel who submits that during the investigation of the case the name of the petitioner cropped up and accordingly he was arrested and the matter is still under investigation. The State counsel has not disputed the fact regarding grant of interim bail to co-accused Darshan Singh and Rohit Kumar.

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

As per the allegations in the FIR on 24.04.2022 at about 5:00 p.m. complainant Deep Chand was present in his shop and at that time Darshan Singh resident of Khanori and one another person came on motor cycle to conduct recce of the shop of the complainant and after sometime five unknown persons, having muffled faces, armed with different weapons came on two motor cycles to the shop of complainant and they started beating the complainant. When complainant raised alarm they fled away from there. The said unknown persons also committed theft of DVR, battery, copper wiring etc. from his shop on the night intervening 21/22.04.2022. The aforesaid acts were committed by the unknown persons at the instance of Rohit Kumar.

Admittedly, the petitioner was not named in the FIR. As per the allegations in the FIR only simple injuries were caused to the petitioner at the time of the occurrence on 21.04.2022 and thereafter some unknown persons committed theft of certain articles from the shop

of the complainant on the night intervening between 21/22.04.2022. The petitioner is in custody since 10.06.2022. No stolen article was recovered from his possession. The offences are triable by the Court of Judicial Magistrate Ist Class and it will take time for the police to present the challan. So, no useful purpose is going to be served by keeping the petitioner in custody.

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.

13.07.2022

Jiten

**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**