

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-29072-2022

Date of decision : 14.07.2022

Balkaran Singh @ Balkar Singh @ Kaku @ Karu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Gurinder Singh Hayer, Advocate
for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.164 dated 22.09.2020, registered under Sections 379, 411, 413 and 473 IPC, at Police Station City South, Moga, District Moga.

Learned counsel for the petitioner has submitted that in the present case, the petitioner is in custody since 22.09.2020 (1 year, 09 months and 22 days) and there are 14 prosecution witnesses, out of which, only one has been examined and thus, the trial is likely to take time. It is also submitted that the petitioner is not involved in any other case. It is also submitted that co-accused of the petitioner Rajwinder Singh @ Gaggi has already been granted regular bail vide order dated 20.05.2022 passed in CRM-M-21057-2022.

Learned State counsel, on the other hand, has opposed the present petition for the grant of regular bail and has submitted that the

present petitioner along with his co-accused had stolen the motor cycle in question and has thus, opposed the present petition for regular bail.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 22.09.2022 (1 year, 9 months and 22 days) and there are 14 prosecution witnesses and out of them, only one witness has been examined thus, the trial is likely to take time. No recovery has been effected from the present petitioner and the recovery of the motor cycle has been effected from the co-accused namely Rajwinder Singh @ Gaggi, who has already been granted regular bail vide order dated 20.05.2022 passed in CRM-M-21057-2022. The petitioner is stated to be not involved in any other case.

Keeping in view the above-said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

July 14, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No