

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.29949 of 2022
Date of Decision: 19.07.2022

Ravi alias Tat

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kalwinder Singh, Advocate,
for Mr. Sanjay Khan, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR bearing No.233 dated 14.09.2021, under Sections 379-B and 34 IPC, registered at Police Station Haibowal, Ludhiana.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 20.01.2022 and the investigation of the case has been completed and thereafter challan has been presented but no witness has been examined till date. He submitted that the petitioner has been falsely implicated in the present case in view of the fact that earlier also, he was falsely implicated in another case under Sections 399 and 402 IPC in which he is already on bail and it is due to this reason that the police has falsely implicated the petitioner in the present case. He submitted that even

otherwise also the subject matter of the theft in the present case is only Rs.2000/- and the investigation of the case has been completed and, therefore, he may be considered for the grant of regular bail.

On the other hand, learned State counsel, on instructions from SI Sukhwinder Singh, stated that so far as the custody of the petitioner is concerned, it is correct. It is also correct that the investigation of the case has been completed and no witness has been examined till date and also the subject matter of the present case is only Rs.2000/-. He, however, opposed the grant of bail on the ground that the petitioner is also involved in another case pertaining to Sections 399 and 402 IPC

I have heard the learned counsel for the parties.

The investigation of the case has already been completed and the petitioner is in custody from 20.01.2022 which is almost six months. Learned counsel for the petitioner during the course of argument has stated that he is already on bail in another case and he was falsely implicated in that case also.

This Court is of the view that the subject matter of the present case is theft of Rs.2000/- only and in the other case, the petitioner is already on bail and, therefore, considering the subject matter of the present case, the petitioner deserves the concession of regular bail. Apart from the same, it is not the case of the State that in case, the petitioner is released on bail he may repeat the offence or may abscond from justice.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Trial Court/Duty

Magistrate.

However, anything observed herein above shall have no effect on the merits of the case and is meant for deciding the present petition only.

19.07.2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No