

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-36361-2022

Date of Decision:-31.10.2022

Kulwinder Singh @ Kinda.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Parvinder Singh, Advocate for the Petitioner.

Mr. Jaiteshwar Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.32 dated 23.04.2022 under Sections 379-B, 341, 324, 34 IPC registered at Police Station Sadar, Balachaur, District SBS Nagar.

The brief facts of the case are that Lakhat son of Sh. Satish got recorded the FIR with the submissions that he was a scrap dealer. On 23.4.2022 he received a call on his mobile phone and the person on the other end stated that they were in possession of 10 old Iron Beams and 07 Old Sheds and were in need of money and were therefore, willing to sell the same material at lesser price. He thereafter took along with him a sum of Rs.20,700/- from his house and proceeded from his village to Gulpur on a rickshaw. At about 9/9.30 am two boys with haircuts came on the road from the right side. They surrounded him and caused injuries on his person. The

sum of Rs.20,700/- was taken away from him along with mobile phone. He was taken to the Civil Hospital in an injured condition.

The Counsel for the petitioner contends that the petitioner is not named in the FIR. He is in custody since 23.04.2022 and none of the 12 prosecution witnesses have been examined so far. The trial was not likely to be concluded any time soon and thereafter the further incarceration of the petitioner was not required. Though there were 06 other cases registered against him including the present one, he had been convicted in one case whereas the trial was going on in another and in three cases he had been acquitted. He thus prayed for the grant of regular bail.

The Counsel for the State on the other hand contends that pursuant to the arrest of the petitioner, the petitioner got recovered Rs.6200/- in cash along with a copy of the Aadhaar Card of the complainant. The motor cycle allegedly used in the occurrence was also got recovered from him. While admitting the period of custody undergone by the petitioner as also the stage of Trial, he contends that the seriousness of the allegations do not entitle the petitioner to the grant of bail.

I have heard learned Counsel for both the parties at length.

Admittedly, the petitioner is in custody since 23.04.2022. Other than the present case, the petitioner stands convicted in one case bearing FIR No.37 dated 16.5.2011 under Sections 307, 456, 148, 149, 294 IPC registered at P.S. Balachaur and in FIR No.54 dated 8.6.2020 under Sections 323, 148, 149, 269, 270, 188 IPC registered at P.S. Balachaur, he is on bail. The Trial of the present case is not likely to be concluded any time soon as none of the 12 prosecution witnesses have been examined so far. Therefore, the further incarceration of the petitioner is not required.

Thus, without commenting on the merits of the case, the petitioner-**Kulwinder Singh @ Kinda** son of Sh. Balvir Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the cases mentioned in this order.

In addition, the petitioner or any person on his behalf shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioner from the Trial without sufficient cause.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 31, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>