

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-36286-2020 (O&M)
Date of Decision:- 15.7.2022

Lakhvir Singh @ Baba

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amandeep Singh Rehal, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Krishan Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.135, dated 24.8.2020, Police Station urban Estate District Patiala, Punjab, under Sections 379, 411, 467, 468, 473 IPC.
2. The FIR was lodged at the instant of Pardeep Kumar wherein it is alleged that on 31.7.2020 he had gone to attend his class at Akal Academy Professor Colony, opposite Punjabi University, Patiala, and had parked his motorcycle on the gate of the academy and had duly locked the same. However, when he came out after attending the

class at about 3 pm, he found that his motorcycle was missing. Upon checking CCTV footage as recorded in cameras installed in the locality and also outside the academy, he came to know that the boy who had stolen the motorcycle is Lakhvir Singh. He also came to know that said Lakhvir Singh in connivance with Bachittar Singh had stolen several motorcycles in the past and that they were drug addicts. It also came to be known that the said persons were proceeding from Bahadurgarh so as to sell his motorcycle bearing registration No.PB-11-BQ-1647.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that there is delay of 24 days in lodging the FIR. It has further been submitted that the petitioner in any case has been behind bars since the last about 1 year and 11 months and the trial has not even commenced till date.
4. Opposing the petition, learned State counsel has submitted that since it is a case where the petitioner has been identified in CCTV footage while stealing the motorcycle, the allegation against him stands fully substantiated. It has further been submitted that when the petitioner was arrested, he got recovered 11 stolen motorcycles which would show that he is a seasoned criminal. It has also been informed that the petitioner is involved in 4 more cases. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 1 year and 11 months and till date not even a single PW out of the cited 27 PWs has been examined.

5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the petitioner is specifically named in the FIR and the prosecution claims to have CCTV footage indicating the involvement of the petitioner. It is also borne out that the petitioner is involved in 4 other cases. However, despite the said factual position, this Court cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of 1 year and 11 months and till date the trial has not even commenced inasmuch as not even a single PW out of the cited 27 PWs has been examined. The petitioner cannot be kept behind bars for an indefinite period. Conclusion of trial is likely to consume time as examining 27 PWs would certainly be time consuming. In these circumstances, further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.7.2022

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No