

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

234

CRM-M-36717-2022

Date of Decision: 10.11.2022

Rishu Singh @ Rishu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. R.S.Randhawa, Advocate, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Surinder Pal Singh.

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.128 dated 10.06.2022 at Police Station Focal Point, District Ludhiana under Section 399, 402 IPC and Section 25 of Arms Act.
2. The FIR was lodged on the basis of secret information received by the police to the effect that Anik Lal Singh alias Bengali, Raju Kumar alias Raju, Rahul alias Kala Raju, Dilip Kumar alias Dilip and Rishu Singh are habitual of committing thefts and have constituted a gang, which is headed by Anik Lal Singh alias Bengali. The information was further to the effect that even on the given day, they were sitting in an abandoned plot in the area of Jeewan Nagar and were planning to commit offences.

Pursuant to receipt of the said information, a raid was conducted at the

- nominated place and the aforesaid five persons were apprehended by the police. While two of the accused were found to be carrying fire arms, the petitioner was found to be carrying a *Daat*, three mobile phones and an amount of Rs.12,000/-. Two motorcycles were also recovered from the spot.
3. Learned counsel for the petitioner has submitted that he has falsely been involved in the present case and that the weapon allegedly recovered from him i.e. *Daat* is a common agricultural implement and it is very easy to falsely implicate any person on the basis of recovery of such implement. Learned counsel has further submitted that the petitioner enjoys a clean record and is not involved in any other case.
 4. Opposing the petition, learned State counsel has submitted that since there was specific information against the petitioner by name and his name figures in the FIR and also the fact that a *Daat*, three mobiles and cash amount was recovered from the petitioner as well as some fire arms were recovered from the co-accused, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about five months and that he is not involved in any other case. It has also been informed that while challan stands presented, the charges are yet to be framed and as many as 10 PWs have been cited.
 6. This Court has considered rival submissions.
 7. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars for the last about five months and otherwise has a clean record and that the conclusion of trial

is likely to consume time inasmuch as even the charges have not been framed till date, further detention of the petitioner will not serve any useful purpose. 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.

10.11.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**