

CRM-M-41154-2021

Date of Decision: 17.02.2022

Kuljinder Singh @ Kinda and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Tejwinder Singh Hundal, Advocate,
for the petitioners.

Mr. M.S. Nagra, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioners seek the concession of 'pre-arrest bail', upon FIR No. 106 having been registered at Police Station Bhogpur, District Jalandhar (Rural), on 04.09.2021, alleging therein the commission of an offence punishable under the provision of Section 379 of the IPC.

Learned State counsel points to the affidavit filed by the Deputy Superintendent of Police, Adampur, to submit that petitioner no. 1 having been in regular touch with one of the persons who was apprehended at the spot, illegally transporting transformer oil, he does not deserve to be admitted to bail, with the disclosure statement of those who were arrested, also implicating the petitioners herein.

Learned counsel for the petitioners however submit that both Kulbir Singh and petitioner no. 1 being of the same village, there would be nothing surprising about them having been in regular touch with each other.

He next submits that the telephone numbers given by the DSP in his affidavit do not belong to the petitioners.

Without making any comment on the correctness of the averments made on both sides, there seemingly being at this stage no other evidence to connect the petitioners to those who are alleged to have been apprehended carrying stolen transformers oil, other than some phone calls between 2 co-villagers, the petition is allowed with the order dated 01.10.2021 is made absolute.

However, to repeat, the investigation would continue as per the evidence gathered, with the competent court to thereafter obviously consider the evidence led before it on merits.

February 17, 2022
nitin

Whether speaking/reasoned
Whether Reportable

Yes
No.

(AMOL RATTAN SINGH)
JUDGE