

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

CRM-M-50538-2021 (O&M)

Date of decision: 15.09.2022

Kulwinder Singh @ Gindi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Tarun Sharma, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 135 dated 20.08.2021 registered under Sections 399, 402 IPC at Police Station Sadar Ferozepur, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the only allegation against the petitioner is that he along with co-accused were planning to commit theft; that regarding the disclosure statement of the petitioner, learned counsel submits that no FIR pertaining to the snatching of Rs. 40,000/- near the canal and Rs. 3500/- from the petrol pump has been registered till date; that the petitioner has been in custody since 20.08.2021; that the charges have been framed and that as far as other cases against the petitioner are concerned, he stands acquitted in 02 cases, convicted in 01 case and is on bail in remaining cases.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner and co-accused have created terror in the general public by committing decoity and snatching. However, he does not dispute the custody period of the petitioner and the fact that no FIR which authenticate the disclosure statement of the petitioner qua snatching of Rs. 40,000/- near the canal and Rs. 3500/- from the petrol pump, has been registered against him. He submits that none of the prosecution witness has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 20.08.2021. No decoity or theft was committed in the present case. No FIR qua snatching of Rs. 40,000/- near the canal and Rs. 3500/- from the petrol pump as disclosed by the petitioner is registered against him. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

15.09.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No