

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

206

CRM-M-49708-2022

Date of Decision: 20.12.2022

Sunny Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. S.S.Thakur, Advocate with
Mr. Anshul Sharma, Advocate
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 439 of Code of Criminal Code, 1973, the petitioner is seeking bail in FIR No.191 dated 24.06.2022 registered at Police Station Sahnewal, Ludhiana under Sections 399, 402, 473 of IPC.

Learned counsel for the petitioner would submit that FIR was registered against 05 persons and out of 05, two are major and 03 are juvenile. The bail application of the petitioner was dismissed by Additional Sessions Judge, Ludhiana vide order dated 25.08.2022 whereas learned Additional Sessions Judge, Ludhiana vide order dated 03.12.2022 has granted concession of regular bail to co-accused i.e Guddu Kumar @ Deepu. There is no allegation of actual commission of offence and as per FIR, the petitioner along with his accomplice was planning to commit dacoity/snatching. The petitioner is in custody since 24.06.2022. No recovery has to be effected from the petitioner. The conclusion of trial would take time. *Challan* has already been presented.

Learned State counsel on instructions from ASI Harmeet Singh would submit that the petitioner is involved in another case under section 379-B of IPC. The petitioner and his accomplice have formed a gang and are committing dacoities and snatching.

I have heard the arguments and perused the record.

Keeping in mind :

- i) learned Additional Sessions Judge, Ludhiana vide order dated 03.12.2022 has granted concession of regular bail to co-accused Guddu Kumar @ Deepu;
- ii) two co-accused i.e. Suraj @ Suraj Singh @ Sukhi and Abhay Chauhan who are juveniles have already been released on bail;
- iii) the petitioner is in custody since 24.06.2022;
- iv) the petitioner is a resident of Ludhiana and the trial is pending at Ludhiana.
- v) the petitioner is a 19 years old boy.
- vi) police report under Section 173 Cr.P.C. has already been filed and conclusion of trial would take time.
- vii) denial of bail at this stage would amount to violation of Article 21 of Constitution of India as conclusion of trial is going to take considerable time;

this court is of the considered opinion that the present petition deserves to be allowed and accordingly allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

(JAGMOHAN BANSAL)
JUDGE

20.12.2022
anju

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