

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

CRM-M-59245-2022

Date of Decision:- **22.12.2022**

RAVINDER KUMAR @ RAVIND KUMAR @ KALIA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Parunjeet Singh, Advocate
for the petitioner.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.46 dated 28.9.2022 registered under Section 3 of Railway Property (Unlawful Possession) Act, 1966 and Sections 153, 146, 147, 174-C of the Railway Act, 1989 at Police Station Railway Protection Force, District Ludhaiana.

The counsel for the petitioner submits that the petitioner is falsely implicated in the present case and even otherwise the alleged recovery of stolen 76 bags of rice bags was effected from west side of railway line as has been mentioned in the FIR itself. The counsel for the petitioner submitted that alleged recovery has already been effected and present petitioner is lodged in judicial custody.

The instant petition is resisted by the State counsel, who submits that the present case is relating to theft of 76 rice bags belonging to Indian Railway, which was later on recovered by the police. The State counsel further submitted that petitioner is habitual offender and is involved in number of theft cases and their details are given in the order passed by the Chief Judicial Magistrate, Ludhaina dated 18.10.2022, whereby regular bail application of the petitioner was dismissed.

I have considered the submissions made by counsel for the parties.

The offences are triable by the Court of Judicial Magistrate Ist Class and as per custody certificate the petitioner is in custody since last 2 months and the recovery of stolen articles has already been effected and as submitted by the counsel for the petitioner, the petitioner already stands enlarged on bail in all the other cases registered against him.

In view of the above, as it will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

22.12.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No