

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

258-CRM-M-7985-2023

Date of Decision: 23.03.2023

RAVI BABA

... Petitioner

VS.

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Akshay Rana, Advocate for the petitioner

Mr. Mohit Thakur, AAG Punjab

Sandeep Moudgil, J. (Oral)

The petitioner seeks regular bail in case FIR No.46 dated 28.08.2022 under Sections 399/402 IPC and Sections 25/54/59 of Arms Act, registered at Police Station Morinda, District Roop Nagar.

Learned counsel for the petitioner contends that neither any recovery has been effected from his possession nor is to be effected and challan stands already presented, as is recorded in the order dated 30.01.2023 (Annexure P3), while considering the bail application of co-accused in **CRM-M-48769-2022 (Juri @ Hazuri & Ors. vs. State of Punjab)** vide which all the co-accused have been granted the concession of regular bail by this Court. Further, the contention raised by counsel for the petitioner is that the only allegation, even from the plain reading of the FIR, is that the petitioner was involved only in the commission of dacoity but all weapons whatsoever, were recovered from the possession of other co-accused and not from the petitioner.

Notice of motion.

On the asking of the Court, Mr. Mohit Thakur, AAG Punjab accepts notice. He, on instructions from ASI Shinder Pal, submits that even the charges have been framed. He, however, could not controvert the fact that no recovery of any weapon has been made from the petitioner during the course of investigation. He also could not dispute the parity claimed by the petitioner with other co-accused who have already been granted the concession of regular bail by this Court.

In view of the above discussion and the fact that the co-accused stands released on regular bail by this Court vide order dated 30.01.2023, and that nothing incriminating has been recovered from the petitioner and also taking into consideration the fact that the trial is likely to take some time, and therefore, no fruitful purpose will be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

23.03.2023

V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)

Judge

- Yes/No
- Yes/No