

CRM-M-8777-2023
DECIDED ON: 2nd MARCH, 2023

...PETITIONER

.....RESPONDENT

Present: Ms. Jaspreet Kaur, Advocate
for the petitioner.

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 124, dated 04.06.2022, under Sections 397, 458 and 347 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of Arms Act, 1959 registered at Police Station City Kapurthala, District Kapurthala.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is asserted that the petitioner has not been named in the FIR and no specific allegation has been attributed to the petitioner. The assertion is that the allegations made in the FIR are against some unknown persons.

It is further asserted that the co-accused of the petitioner namely Lakhvinder Singh @ Lucky @ Lakha has already been granted the

concession of regular bail by this Court vide order dated 15.12.2022 passed in CRM-M-57705-2022.

Notice of motion.

On the asking of Court, Mr. Mohit Chaudhary, AAG, Punjab accepts notice on behalf of respondent-State of Punjab. Custody certificate of the petitioner filed by learned State counsel in Court today is taken on record, which depicts that the petitioner has already undergone the sentence for a period of 8 months and 26 days.

Without going into the merits of the case and considering the facts that recovery has already been effected; nothing is to be recovered from the petitioner; the petitioner is behind the bars for the last 8 months and 26 days added with the fact that no custodial interrogation is required and conclusion of the trial is likely to take long time, this Court is of the considered view that no fruitful purpose would be served by keeping the petitioner behind bars for an indefinite period.

The present petition is, therefore, allowed and the petitioner is ordered to be released on regular bail subject to his furnishing personal/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

2nd MARCH, 2023

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**(SANDEEP MOUDGIL)
JUDGE**

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