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

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CRM-M-11263-2023

Date of decision : 02.11.2023

Kamalpreet Singh @ Giani**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.114 dated 06.06.2022, registered for the offences punishable under Sections 379-B(2) & 34 of IPC, 1860 at Police Station Tibba, District Police Commissionerate, Ludhiana.
2. As per the contents of the FIR, it has been alleged as under:-

“Statement of Ranjit Mahato son of Upinder Mahato, resident of village Bacho Patti Narha, Police Station Baj Patti, District Sitamarhi, Bihar at present resident as Tenant of House of Landlord Randhir Mahato, Street No. 01, Banda Bahadur Colony, Ludhiana, aged 42 years Mob: 94631-40623 stated that I am a resident of the address and I work as a mason on contract. I am building a house on contract of Daljit Singh son of Khushal Singh resident of House No. 5, Street No. 01,

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Mohalla Shankar Colony, from whom I took 40,000/- for my labour money today and I already had Rs. 11000. I came to Gopal Nagar chowk dhaba on my bicycle to have food. When I was going back to work after having food, when I reached at about 2.30 PM near Mintu Colony near Kaushal School, Tibba Road, there were two persons with a motorcycle number PB-10 Q 0951 colour black was standing nearby who stopped my way and started asking me that Cinsy Hosirey is on which side?. I said I don't know and I started walking there, a boy took out a Datar from behind his shirt and pulled it out and gave a blow on my leg and back, the other boy took out 51,000/- rupees from the right pocket of my pajama, which were all 500/500 notes and after taking out the money, ran away on the motorcycle with the said number and the other person threw away his Datar and started running away on foot and I also ran after him and made a noise and with the help of the public I apprehended that person. The arrested person told his name as Kamalpreet Singh son of Ravinder Singh resident of Street No. 03, Mohalla Sukhdev Nagar Tibba Road Ludhiana and the name of the other person was Jatinder Singh alias Ghugi resident of Subhash Nagar Ludhiana. On that spot, the gathered people also beaten up the arrested person, Kamalpreet, due to which his body suffered a lot of injuries. People have kept Kamalpreet sitting at spot. I along with my friend Vijay Shah son of Ganour Shah, resident of Street No. 10, Mohalla Subhash Nagar, Ludhiana, were going to the police station to report that they have met you. Legal action should be taken.”

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3. Counsel for the petitioner submits that the investigation already stands concluded, report under Section 173(2) Cr.P.C. stands filed and even charges stand framed on 08.08.2023, yet the trial has not proceeded. The investigation having already been concluded, there cannot be any apprehension that the petitioner shall tamper with the evidence. Counsel further stated that the custody of the petitioner cannot be prolonged as punitive measure.
4. Counsel for the State does not dispute the factual assertions made by counsel for the petitioner.
5. I have heard counsel for the parties and have gone through the records of the case.
6. Keeping in view the allegations levelled against the petitioner and the fact that the investigation already stands concluded and the petitioner is behind bars for last more than one and a half year, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

02.11.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No