

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-19356-2023

Decided on : July 12, 2023

AJAY KUMAR

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Shiv Charan Bhola, Advocate
for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

NAMIT KUMAR, J. (Oral)

1. By way of filing the instant petition under Section 439 of Cr.P.C. , the petitioner has approached this Court seeking grant of regular bail in case F.I.R. No.110 dated 02.11.2022, under Sections 379 of IPC (Sections 411 / 465 / 467 / 468 and 471 of IPC added lateron), registered at Police Station Kiratpur Sahib, District Rupnagar.

2. As per the FIR, facts leading to filing of this petition are that on 01.11.2022, Udhveer Singh-complainant parked his motorcycle at bus stop near Bunga Sahib and on the next day, he found his motorcycle missing. An FIR was registered against unknown persons. Thereafter, on 02.11.2022 secret information was received that Ajay Kumar along with Deepak Kumar were coming from the side of Tajpur towards Bunga Sahib on the stolen motorcycle. Naka was laid. The accused were apprehended along with stolen motorcycle bearing No.HP-12-K6748. During interrogation, the petitioner along with other got recovered motorcycles No.PB-12Z-5307 and No.PB12AC-3374 stolen from Bharatgarh

area. During the investigation, it was also revealed that petitioner had also tampered the engine number of the motorcycle bearing No.PB-12Z-5307.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case as he was not initially named in the FIR and was thereafter arrested on 04.11.2022 and since then he is in custody. He further submits that no recovery is to be effected from the petitioner; investigation in the present case is complete; *Challan* has been presented; charges have been framed and out of total 17 prosecution witnesses, 02 witnesses have been given up; 03 witnesses have been examined and 12 witnesses are yet to be examined. He further submits that trial may take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner further behind bars. He further submits that two other co-accused namely Saurav and Amarnath have already been granted regular bail vide orders dated 25.11.2022 and 07.12.2022, respectively, by the court of learned Judicial Magistrate, Ist Class, Rupnagar, therefore, the petitioner be enlarged on regular bail.

4. *Per contra*, learned State counsel, while placing on record the status report dated 12.07.2023 alongwith custody certificate, opposes the prayer for grant of regular bail to the petitioner by stating that the petitioner is involved in 02 other cases although he is on bail in said cases, however, she could not refute the *factum* that two co-accused have already been enlarged on regular bail by the trial court; no recovery is to be effected from petitioner; investigation in the present case is complete; *Challan* has been presented; charges have been framed and out of total 17 prosecution witnesses, 02 witnesses have been given up; 03 witnesses have been examined and 12 witnesses are yet to be examined and the petitioner is in custody since 04.11.2022.

5. I have heard learned counsel for the parties and perused the record.
6. Keeping in view the custody of the petitioner, which is about 08 months 05 days; two co-accused namely Saurav and Amarnath have already been enlarged on regular bail by the trial court; investigation is complete; *Challan* has been presented; charges have been framed; out of total 17 prosecution witnesses, 02 witnesses have been given up, 03 witnesses have been examined and 12 witnesses are yet to be examined; no recovery is to be effected from the petitioner and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.
7. The petition stands disposed off accordingly.

July 12, 2023
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*