

Date of Decision:07.07.2023

...Petitioner

VS.

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat

Present : Mr. Jagjot Singh Lalli, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.33 dated 14.02.2023 registered under Sections 379-B/411/34 of IPC at Police Station Salem Tabri, District Ludhiana (Annexure P-1).

The FIR in the present case was registered on the basis of the statement made by one Parmod Kumar, who alleged that at about 1.00 p.m. on 13.02.2023, he along with Nek Pal was going in their small transport vehicle bearing registration No. PB-10HJ-2528 after unloading LEDs Smart TV from Malwa Transport and were coming back to Ludhiana. At about 10.30 pm, when they reached near Malhotra Restaurant, all of a sudden, they were stopped by a Maruti Car bearing registration No.PB-08-S-9503. Five to six unknown persons showed some sharp edged iron objects to him and snatched the mobile phone as well as the transport vehicle (chhota hathi) bearing registration No.PB-10HJ-2528 and Rs.25,700/- from the jacket of Nek Pal and extended threats to him.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR nor any physical description was mentioned in the FIR. Later on, it has been alleged that a secret information was received and on the basis of the same, he was falsely involved in the present case. He further contends that the petitioner was arrested in the present case on 16.02.2023 and the investigation has been completed. He further contends that the vehicle in question was also recovered from the present petitioner. The prosecution has cited 9 witnesses, but the trial is not even formally commenced. Thus, the conclusion of the trial will take quite long time.

On the other hand, learned State counsel has vehemently opposed the grant of concession of bail to the petitioner on the ground that two more cases have been registered against the present petitioner. However, he further admits that the petitioner has been granted concession of bail in one case, whereas in the other case, the petition for grant of bail is still pending before the learned Court.

I have heard the learned counsel for the parties and perused the record.

It is not in dispute that the petitioner is in custody since 16.02.2023 and none of the witnesses have been examined till date. Still further, the recovery has already been effected from the present petitioner and his co-accused.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty

Magistrate/Chief Judicial Magistrate, concerned.

Since, the petitioner is involved in other cases also, he is directed to report to the SHO, Police Station, Salem Tabri, District Ludhiana on first Monday of every month and the SHO, Police Station, Salem Tabri, District Ludhiana is directed to mark his presence in the roznamcha of the police station. Still further, in case the petitioner involves in any other similar criminal activity, it shall be viewed seriously and the prosecution shall be at liberty to apply for his cancellation of bail.

07.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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