

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21064 of 2023

Date of Decision:02.05.2023.

Sukhmander Singh @ Sukha**.....Petitioner****Versus****State of Punjab****..... Respondent*****CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL***

Present: Mr. Rhythem Bajaj, Advocate
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

VIKRAM AGGARWAL, J. (ORAL)

1. Prayer in the present petition is for the grant of regular bail to the petitioner in case FIR No.80 dated 07.05.2021, registered under Sections 379, 380, 411 of the Indian Penal Code, 1860 (for short 'the IPC') (and offence under Section 380 IPC deleted and offence under Section 473 IPC added later on), registered at Police Station City Fazilka, District Fazilka.

2. On the basis of a secret information, the FIR in question was registered. The information was that Ranjit Singh @ Jeetu and Surjit Singh @ Rinku along with the present petitioner were involved in committing theft of articles from closed shops and schools and selling these articles on cheap rates. A police picket was set up and one Ranjit Singh @ Jeetu was apprehended. He was found riding a stolen motorcycle. On a disclosure statement suffered by him, certain stolen articles were recovered from the house of co-accused Surjit Singh.

3. Learned counsel for the petitioner contends that the petitioner is in custody since 20.01.2023. Learned counsel further submits that final report under

Section 173 Cr.P.C., has already been submitted; no recovery has been made from him in the present case; trial will take a sufficiently long time and, therefore, no useful purpose will be served by keeping the petitioner in custody any longer.

4. Learned counsel representing the State of Punjab has placed on record the custody certificate, as per which the petitioner has undergone custody of 03 months and 12 days in the present case. It is also mentions the pendency of few other cases against the petitioner of similar nature.

5. Learned counsel for the State of Punjab submits that the petitioner is involved in a number of other offences and as per his information, final report under Section 173 Cr.P.C., has not been submitted.

6. Admittedly, the petitioner was not found indulging in any theft in the present FIR and was apprehended on the basis of a secret information. No recovery was made from him. Pendency of other cases against him would not be of much relevance as all cases are of a similar nature. In any case, he is in custody for the last 03 months and 12 days. No further recovery has to be made from him as of now. The trial will take a sufficiently long time and, therefore, no useful purpose will be served by keeping the petitioner in custody any longer.

In view of the above, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

May 2nd, 2023

Rekha

(VIKRAM AGGARWAL)
JUDGE

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