

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-23638 of 2023(O&M)
Date of Decision: 17.05.2023

Anil Kumar @ Neela

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Arvind Bansal, Advocate
For the petitioner.

Mr. Sunish Girdhar, AAG Punjab.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 57 dated 15.04.2023, registered under Sections 379-B, 379, 341 and 34 IPC at Police Station Sadar Faridkot, to which offence under Section 411 IPC was added lateron.

2. The counsel for the petitioner, *inter alia*, contends that the petitioner was not named in the FIR and was nominated as accused on the basis of alleged disclosure statement made by one Vishnu @ Pappu and even he was not named in the FIR and was nominated as accused on the basis of alleged disclosure statement made by one Arshdeep Singh. The counsel for the petitioner further submits that the petitioner is a scrap dealer and as per the police one half fan, one shaft of motor are stated to be recovered from the petitioner. The petitioner was arrested on 20.04.2023 and he was not having any criminal history and at present he is in judicial custody.

3. The present petition is contested by the State counsel, who on instructions from ASI Sukhbir Singh submits that the main accused namely Arshdeep Singh and others used to sell stolen goods to the petitioner and co-accused Vishnu @ Pappu, both of whom were working as scrap dealers. However, the State counsel has not disputed the fact that the petitioner was arrested in this case on 20.04.2023 and the recoveries are already effected in this case and presently the petitioner is in judicial custody and is having no criminal antecedents.

4. I have considered the submissions made by counsel for the parties.

5. Admittedly, the petitioner was not named in the FIR and was nominated as accused on the basis of disclosure statement made by co-accused and the admissibility and veracity of the same will be decided during trial. Further the recoveries are already stated to be effected in this case and presently the petitioner is in judicial custody and even after the presentation of challan it will take considerable time for the trial to conclude. In the given circumstances, no purpose is going to be served by prolonging the judicial custody of the petitioner, who is having no criminal history.

6. In light of above, 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/Chief Judicial Magistrate/Duty Magistrate concerned.

17.05.2023

Jiten

(KARAMJIT SINGH)
JUDGE

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