

CRM-M-32003-2023

Date of Decision: 04.08.2023

Kamaljeet Singh @ Kamal

...Petitioner

vs.

State of Punjab

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Manish Kumar Singla, Advocate
with Mrs. Shikha Singla , Advocate and
Mr. Dinesh Kumar, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, 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.60 dated 13.04.2023 registered under Sections 489-A, 489-B, 489-C of IPC at Police Station Sadar Khanna, District Khanna.

As per case of the prosecution, on 13.04.2023, a police party headed by Sukhwinder Singh, Incharge P.P. Isru, P.S. Sadar Khanna, Ludhiana along with other police officials was present in the official vehicle for patrolling and checking duty. At about 7.30 p.m., two persons were apprehended and they disclosed their names and addresses as Kamaljeet Singh @ Kamal son of Bahadur Singh resident of village Ranwa, Tehsil Samrala, District Ludhiana at present resident of house No.216/01, Guron Colony Macchiwala Sahib, P.S. Machhiwara Sahib, District Ludhiana and Honey @

Honey @ Honey Bhardwaj son of Charan Dass, resident of Backside Bus Stand, Near Sai Karyana Store Machhiwara Sahib, P.S. Machhiwara Sahib, District Ludhiana. On suspicion, a bag carried by Kamaljeet Singh was checked and a black t-shirt, one blue jeans and one small blue towel were recovered from the same. A polythene bag was also wrapped in the blue towel, which contained currency notes of denomination of Rs.5,00/- each. In all, total 95 currency notes, amounting to Rs.47500/- were recovered from Kamaljeet Singh @ Kamal and were taken into possession by the police. Separate recovery of 100 currency notes amounting to Rs.20,000/- was made from Honey @ Honey Bhardwaj. With these broad allegations, the FIR was registered against the present petitioner and his co-accused.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further contends that even if the version of the prosecution is admitted to correct for the sake of the arguments, still the offence under Section 489(C) is made out against the present petitioner, which is bailable in nature. Learned counsel further contends that the petitioner was arrested in the present case on 13.04.2023 and the trial is yet to formally commence against him. Thus, the trial of the case may take considerable time before the learned trial Court.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground specific allegations have been levelled against the present petitioner and he was arrested at the spot.

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 13.04.2023 and the challan has already been presented against him. However, the trial is yet to formally commence against the present petitioner and he is the first offender.

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.

In case, the petitioner involves in any other criminal activity during the pendency of the trial before the learned trial Court, it shall be viewed seriously and the prosecution will be at liberty to move a petition for cancellation of bail granted to him.

04.08.2023
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(N.S.SHEKHAWAT)
JUDGE

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