

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.249

CRM-M-36178-2022

Date of decision: 13.01.2023

Manish

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sandeep Arora, Advocate, for the petitioner.

Mr. A.P.S. Tung, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.77 dated 22.03.2022 registered under Sections 307, 379, 427, 411, 353, 186 and 120-B IPC and Section 76 of Essential Commodities Act, 1955 at Police Station Division No.8, Jalandhar.

Briefly stated, the case of the prosecution is that on receipt of secret information that certain persons were committing theft of oil from an electric transformer near Baba Rulia Shah in the Industrial Area of Jalandhar a police patrol party comprising of 02 officers went on a motorcycle to the said spot and found four persons stealing oil from the transformer and one person sitting in a Truck parked near-by. When the police party tried to stop the four persons from stealing the oil, co-accused Abhinash who was in the truck parked near-by, started the truck and rammed the same into the motorcycle of police personnel as also attempted to crush them. However, the police personnel escaped unharmed and arrested two of the four persons at the spot namely the petitioner and co-accused Gurdial Singh. The other three co-accused managed to flee.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the allegations attracting the applicability of Section 307 IPC are not made out against the petitioner as they are attributable only to co-accused Abhinash; the petitioner is in custody since 22.03.2022; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same; the

petitioner has no other criminal antecedents; similarly placed co-accused Gurdial Singh, who had earlier approached this Court through CRM-20163-2022 – Gurdial Singh vs. State of Punjab has been granted bail by this Court on 23.11.2022 and that since in the petitioner's trial 10 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel admits to the period of incarceration of the petitioner as also that similarly placed co-accused Gurdial Singh has been granted regular bail by this Court. However, grant of bail to the petitioner was opposed on the ground that the petitioner was caught red handed stealing oil from an electric transformer and that co-accused Abhinash tried to run over two on duty police officials.

The petitioner is in custody since 22.03.2022; the petitioner has no other criminal antecedents; investigation in the case is complete and therefore, he is not in a position to influence the same; similarly placed co-accused Gurdial Singh, who had earlier approached this Court through CRM-20163-2022 – Gurdial Singh vs. State of Punjab has been granted bail by this Court on 23.11.2022 and that since in the petitioner's trial 10 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jalandhar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

January 13, 2023
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No