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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-39850-2023

Date of decision : 22.08.2023

Ravi Shanker**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

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

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.45, dated 04.04.2023, registered for the offences punishable under Sections 457, 380, 342 and 395 of IPC 1860, registered at Police Station Doraha, District Ludhiana.

2. As per the story of the prosecution, vehicle owned by the petitioner i.e. one Tata 407 Truck was involved in transportation of stolen material and the only evidence apart therefrom is in form of extra judicial confession.

3. It has been further contended that the petitioner has already suffered incarceration for more than 04 months and 02 days. Further reliance has been placed upon order passed in **CRM-M-30601-2023** dated 04.07.2023, whereby co-accused Mohd. Bashir @ Mohammad Bashir stands admitted to bail and order dated 31.07.2023 passed in

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CRM-M-27191-2023, whereby Vinod @ Vinod Kumar stands admitted to bail, observing as under:-

“1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.45, dated 04.04.2023, registered for the offences punishable under Sections 457, 380, 342 IPC (Section 395 IPC added subsequently) (Annexure P-1) registered at Police Station Doraha, District Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner has not been named in the FIR. The only evidence that has been collected against him is in the form of his own extra-judicial confession, wherein, it is claimed that the petitioner in a tata canter transported the stolen material. Learned counsel further submits that the petitioner has already suffered incarceration of more than 03 months and 20 days. Learned counsel for the petitioner submits that the petitioner has no criminal antecedents.

3. The aforesaid assertions made by learned counsel for the petitioner has not been controverted by counsel for the State.

4. I have heard learned counsel for the parties and have gone through the record of the case.

5. Keeping in view the fact that investigation already stands concluded and there is no apprehension of petitioner tampering with the evidence, therefore, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

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6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.”
6. Keeping in view that the petitioner has already suffered incarceration for more than 04 months and the fact that the co-accused has already been granted concession of bail, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

22.08.2023

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No