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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50164-2023(O&M)

Date of Decision:10.10.2023

Gurwinder Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manan Bhardwaj, Advocate, for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.86 dated 16.05.2023, under Sections 457, 380 IPC (Sections 411 and 413 added later on), registered at Police Station City, Fazilka (Punjab).

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 17.05.2023 and investigation of the case has already been completed and thereafter challan has been presented. He submitted that the allegations were that there was a theft in the shop from where two batteries, 19 plate battra, one charger of big battery, one purse containing cash amount of Rs. 9500/-, PAN card, Aadhar Card and RC of motorcycle were stolen by some unknown persons. He submitted that thereafter the name of the petitioner and the other co-accused namely, Deshraj and Rakesh Kumar were nominated. He submitted that the aforesaid co-accused namely, Deshraj and Rakesh Kumar have already been admitted to bail by the Sessions Court and the name of the

petitioner was nominated only on the basis of suspicion. He submitted that in fact the petitioner was earlier involved in four more cases in the year 2019 and till date even challan has not been presented in those cases and it was only because of that reason the police falsely implicated the present petitioner and had shown recovery to have been effected from the petitioner. He submitted that be that as it may now the investigation of the case has already been completed and no further recovery is to be effected from anybody and the co-accused have been granted regular bail and therefore, the petitioner may also be considered for the grant of regular bail.

3. On the other hand, Mr. Gurdarshan Singh Sidhu, AAG, Punjab has submitted that so far as the custody of the petitioner is concerned, the same is correct and now the police has completed the investigation. He submitted that recovery has been effected from the petitioner and he is also involved in four more cases. So far as the status of those four FIRs is concerned, he submitted that he has no instructions with regard to the same as to whether challan has been presented in those cases or not.

4. I have heard the learned counsel for the parties.

5. It is a case where the petitioner is in custody from 19.05.2023 and as per the learned counsel for the parties, investigation of the case has already been completed and challan has been presented. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner

shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

10.10.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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