

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.51524 of 2023
Date of decision: 1st December, 2023

Abhi Singla

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nandan Jindal, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.81 dated 10.06.2023 under Sections 395, 342, 323, 427, 506, 120-B IPC and Section 25/54/59 of the Arms Act, 1959 (Sections 379, 411, 412 of the IPC added later on) registered at Police Station Sarabha Nagar, District Ludhiana.

2. Learned counsel appearing on behalf of the petitioner inter alia contends that the only allegation levelled against the petitioner was of having been handed over the stolen amount of ₹ 25.00 lakhs by the co-accused, who in turn had stolen it from some dacoits. Learned counsel further submits that the petitioner, who has clean antecedents, came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Neeraj Kumar. It has further been submitted that

since investigation in the case in hand is complete as challan stands presented, further incarceration of the petitioner would serve no useful purpose, as even charges have not been framed till date; furthermore, as many as 50 witnesses have been cited by the prosecution. Learned counsel has, thus, prayed for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that the petitioner came to be nominated as an accused on the basis of a disclosure statement and furthermore, the only role attributed to the petitioner was of receiving the stolen property (i.e. ₹25.00 lacs) from co-accused Neeraj Kumar, who in turn had stolen the said amount from some dacoits. It has also been submitted by the learned State counsel that the stolen property received had been recovered from the petitioner when he was arrested on 19.06.2023.

4. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, he, on instructions, has replied in the negative.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner has now been in custody since 19.06.2023. There is no likelihood of the trial concluding in the near future as 50 witnesses have been cited by the prosecution and the evidence is yet to

commence. In the facts and circumstances as enumerated hereinabove, especially the role attributed to the petitioner and he not being involved in any other criminal case, this Court, thus, deems it fit to extend the concession of bail to him. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

December 1, 2023

rps

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