

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

CRM-M-55042-2022

Date of Decision: 15.02.2023

NIRMAL SINGH @ KAKU

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Amandeep Chhabra, Advocate
for the petitioner.

Mr. Harjinder S. Sidhu, A.A.G., Punjab.

HARSH BUNGER, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to petitioner namely, Nirmal Singh @ Kaku, in case FIR No.73 dated 24.09.2022, registered under Sections 379-B read with Section 34 of the Indian Penal Code (Section 411 of the Indian Penal Code, added later on) at Police Station Lakhewali, District Sri Muktsar Sahib.

Brief facts of the case are that the FIR in question came to be registered on the statement of one Gurpreet Singh son of Joginder Singh, who had stated that on dated 23.09.2022 at about 3:00 p.m., while he was coming on his bicycle after irrigating his fields situated on the road going from Village Mahabhadar to Bhangchari, then upon reaching near the cremation ground of his village, three young men came from the side of Village Mahabhadar and one of them snatched purse from his front pocket,

containing Rs.3,000/- in cash and Aadhar card. The complainant has further stated in his complaint that after searching and inquiring about those persons, he was sure that the present petitioner along with Jaspreet Singh @ Jaggu son of Kulwant Singh and Sumit @ Kalu son of Om Parkash, resident of Malout City had snatched his purse. Accordingly, on the basis of the said complainant, the FIR in question was registered.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case and the recovery alleged to have been made from the petitioner is planted upon him just to strengthen their case. It is next submitted that the petitioner has been in custody since 24.09.2022; the investigation in the case is complete; challan was presented in the Court on 23.11.2022 and even the charges have been framed on 23.12.2022. Learned counsel has further submitted that other two co-accused namely, Jaspreet Singh @ Jaggu and Sumit @ Kalu, are juveniles and they have been granted bail on 30.09.2022 and 04.10.2022, respectively by the Juvenile Court. Learned counsel also submitted that the trial is likely to take some time and no useful purpose would be served by keeping the petitioner incarcerated. It is further submitted that the application moved by the petitioner under Section 439 of the Code of Criminal Procedure for grant of bail before the learned Additional Sessions Judge, Sri Muktsar Sahib, was wrongly dismissed vide order dated 21.10.2022 (Annexure P-2). Learned counsel submits that the petitioner herein is ready to abide by all the conditions as may be imposed by this Court or by the trial Court. Accordingly prayer for grant of regular bail is made.

Learned State counsel has filed the custody certificate dated 13.02.2023 of petitioner namely, Nirmal Singh @ Kakku, in the Court today and the same is taken on record, subject to all just exceptions.

Learned State counsel has opposed the prayer for grant of regular bail to the petitioner on the ground of seriousness of the offence. However, he does not dispute the fact that the investigation in the case is complete; challan stands filed in Court on 23.11.2022 and even charges have been framed on 23.12.2022. It is also not disputed that the petitioner has been in custody since 25.09.2022 and even the co-accused of the petitioner have been granted bail by the Juvenile Court.

I have heard learned counsel for the parties and perused the paper bookas well as the custody certificate of the petitioner filed by learned State counsel.

In the case, in hand, the petitioner has been in custody since 25.09.2022 and his total custody is 04 months and 21 days (as on 13.02.2023). The investigation in the case is complete; challan stands presented and even charges have been framed; thus, the trial is likely to take some time and no useful purpose would be served by keeping the petitioner behind the bars. Further, the co-accused of the petitioner have already been granted bail by the Juvenile Court.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the

concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

February 15, 2023
Himani/gurpreet

(HARSH BUNGER)
JUDGE

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