

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
213-A

CRM-M-57030-2022 (O&M)

Date of Decision: 09.05.2023

Davinder Singh @ Babu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. C.S. Rana, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

1. Custody certificate dated 08.05.2023 filed by learned counsel for the State is taken on record.
2. The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 60 dated 19.05.2022 registered under Section 382 read with Section 34 IPC and Section 25 of the Arms Act at Police Station Daba, District Police Commissionerate, Ludhiana.
3. Briefly, the aforesaid FIR was registered on the statement of complainant-Rajinder Kaur, stating therein that on 18.05.2022 at around 10:00 P.M., she along with her mother Amarjit Kaur, father Surjit Singh

and sister Kuldeep Kaur, after taking dinner went to sleep on the first floor of their house. At around 2:00 A.M., some muffled face persons have trespassed into their house. They tied the complainant and her family members and committed theft of Rs.5.50 Lakhs in cash, 11-12 tolas of gold jewellery, three mobile phones have SIM cards and four mobile phones without SIM Card, one camera make Samsung, all the sale deed of the property and other necessary documents under the threat of causing injuries with weapons. They also took away DVR of CCTV and Swift Desire Car bearing registration No. PB-13-AB-3274 of black colour. She further alleged that while leaving the assailants threatened not to call the police or any other persons, they would kill them.

4. Learned counsel, *inter alia*, contends that petitioner has falsely been implicated in the present case. The alleged recovery has been effected and now nothing has to be recovered from the petitioner. The offences are triable by a Magistrate. The complainant has left the country. Out of total 14 prosecution witnesses, none has been examined by the trial Court, so far. Petitioner is in custody since 22.05.2022. Trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Co-accused of the petitioner, namely, Davinder Singh S/o Sikander and Mandeep Singh @ Manna, have already been enlarged on bail by the trial Court vide orders dated 14.06.2022 and 09.02.2023, respectively. Thus, it is prayed that the petitioner may also be released on regular bail.

5. On the other hand, learned counsel for the State vehemently

opposed the submissions made by learned counsel for the petitioner.

6. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that conclusion of trial shall take sufficient long time, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

7. Therefore, the petition is allowed and petitioner, namely; Davinder Singh @ Babu, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

8. However, the State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case, during the period of bail.

09.05.2023

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No