

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-3044-2024 (O&M)
Date of Decision:-29.4.2024

Kunal @ Lotas ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vinod K. Kaushal, Advocate for the petitioner.
Mr. Vinay Kumar Malhotra, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
236	7.8.2023	Sadar Amritsar, District Police Commissionerate Amritsar, Amritsar	379-B(2), 148 and 149 of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of the aforementioned FIR.
2. The allegations, in nutshell, are that 7 young persons, who were travelling on motorcycles and an Activa Scooter had snatched the motorcycle of the complainant as well as 2 mobile phones.
3. It is further the case of prosecution that the petitioner was nominated pursuant to receipt of secret information by the police on 27.8.2023 to the effect that

the petitioner was proceeding on a stolen motorcycle. Pursuant to receipt of said information, the petitioner came to be arrested.

4. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and that, in any case, the petitioner as on date has been behind bars since the last about 8 months and 1 days and since the trial has not even commenced till date and as many as 16 PWs have been cited, the petitioner deserves the concession of bail.
5. Opposing the petition, learned State counsel has submitted that since the stolen motorcycle was recovered from the petitioner, his complicity is clearly evident. It has further been informed that the petitioner also stands involved in 3 other cases. Learned State counsel has also informed that although 16 PWs have been cited, but none has been examined till date.
6. This Court has considered rival submissions addressed before this Court.
7. Without commenting anything as regards merits of the case, but having regard to the custody of the petitioner i.e. about 8 months and 1 day and also the fact that conclusion of trial is likely to take some time as the trial is yet to commence and as many as 16 PWs have been cited, further detention of the petitioner will not serve any useful purpose. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.4.2024
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No