

CRM-M-11835-2024

Date of Decision: 02.04.2024

Sarabjit Singh @ Kalu

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Hitesh Chopra, Advocate with
Mr. Kanav Gupta, Advocate, for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.272 dated 30.09.2023 registered under Sections 379(b), 506 of IPC, at Police Station Civil Lines Batala Tehsil and District Gurdaspur.

2. Learned counsel for the petitioner contends that it was a case of simple fight between two persons and the offence under Section 379(B) of IPC has been added only to aggravate the offence and the ingredients of the said offence are completely missing in the present case. He further contends that the petitioner was arrested in the present case on 30.09.2023 and is in custody for the last more than 6 months. He next contends that the recovery has already been effected from the present petitioner and the final report under Section 173 Cr.P.C. has already been presented against him. As per learned counsel, four more FIRs were ordered to be registered against the present petitioner, but the petitioner is on bail in the said cases.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner and submits that he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5 The petitioner was arrested in the present case on 30.09.2023 and the final report under Section 173 Cr.P.C. has already been presented against him. Moreover, both the sides were known to each other and the recovery has already been effected from the present petitioner and custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

02.04.2024.
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(N.S.SHEKHAWAT)
JUDGE

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