

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-18520-2024(O&M)

Date of Decision:-23.04.2024

Kaka Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Harpal Singh Sidhu, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.002 dated 07.01.2024 under Sections 379-B, 341 and 34 IPC registered at Police Station Sadar Sri Muktsar Sahib.

2. The brief facts of the case are that one Ahmed Baig got registered the FIR with the allegations that while he was travelling between Sri Muktsar Sahib to Lambi three persons on the motor cycle snatched a sum of Rs.43/45,000/- from him alongwith his mobile phone and other documents. They also gave beatings to him. During the course of the investigation the petitioner and his co-accused came to be arrested.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has not been named in the FIR. Pursuant to his arrest nothing was recovered from his possession. No test identificaton parade was conducted. As the petitioner was a first time

offender, in custody since 11.01.2024 but none of the 18 Pws had been examined so far, therefore, the Trial of the present case was not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner was not required.

5. The Counsel for the State on the other hand contends that the complainant duly identified the petitioner along with his co-accused. On the basis of the identification made, rapat no.37 was registered on 8.01.2024 and the petitioner came to be nominated as an accused. The nature of the allegations levelled against the petitioner did not entitle him to the concession of hail. He however, concedes that the petitioner was a first time offender, in custody since 11.01.2024 and that none of the 18 Pws had been examined so far.

6. I have heard learned Counsel for the parties.

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 11.01.2024 but none of the 18 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Kaka Singh** son of Sh. Des Raj is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence

of the petitioner from the Trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 23, 2024
Vinay

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