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

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Date of Decision : July 25, 2024

PREM CHAND

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Davinder Singh Saini, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in case FIR No.16 dated 17.03.2024, under Sections 457, 380 of the IPC (Section 411 of the IPC added subsequently), registered at P.S. Nurpur Bedi, District Rupnagar.

ALLEGATIONS IN THE FIR

2. The present FIR derives its origin from a statement made by one Vinod Kumar (hereinafter referred to as the 'complainant'). Succinctly stated, the theft of bundles of copper wire and two inverters of Livguard Company from complainant's shop has constituted the bedrock for registration of the present FIR against unknown persons.

DETAILS OF INVESTIGATION

3. After registration of the present FIR, investigation commenced

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and on the basis of CCTV Footage obtained from the Toll Plaza concerned, one vehicle, which was involved in the theft, was traced by the investing agency. This vehicle was found registered in the name of one Raj Kumar @ Babbi, who disclosed during interrogation that, he had sold this vehicle to one Ashoka. During the course of investigation, Saleem @ Sonu, Saleem, Sikan-der, Madhu, Ashoka and Seema were arrested.

ROLE OF THE PETITIONER

4. Upon interrogation, the arrested accused (supra) disclosed that the stolen articles were sold to the petitioner (scrap dealer) and in this way, the petitioner was arrayed as an accused in the present FIR. Moreover, recovery of stolen wires was also effected from the petitioner.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PETITIONER

5. The learned counsel for the petitioner, in his asking for the here-inabove extracted relief, has made the following submissions:-

(i) The petitioner has not been named in the FIR, rather he has been arrayed as an accused on the basis of disclosure statement of co-accused;

(ii) The wires alleged to have been recovered from the petitioner do not connect him with the alleged crime, as there is no identification of the stolen wires;

(iii) Petitioner has suffered incarceration of approx. 04 months;

(iv) Although the petitioner is involved in one more case, however, he has been granted the concession of bail therein;

(v) The Final Report has been presented on 17.05.2024, however, charges have not yet been framed. Therefore, when trial is not



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likely to conclude anytime soon, keeping the petitioner behinds the bars would serve no gainful purpose;

SUBMISSIONS OF THE LEARNED STATE COUNSEL

6. Although the learned State counsel has opposed the grant of bail to the petitioner, however, on instructions imparted to him by the official concerned, he does not dispute the fact that charges are yet to be framed in the present case.

7. The learned State counsel has also placed on record the custody certificate of the petitioner, as issued by the Superintendent, District Jail, Rupunagar.

REASONS FOR ALLOWING THE INSTANT PETITION

8. This Court has heard the submissions made by the learned counsels for the parties and perused the record. Be that as it may, this Court is of the view that the present petition deserves to be allowed. The reason for forming this inference generates from the factum that:- (i) the only role assigned to the petitioner is that he had, being a scrap dealer, purchased the stolen articles (wires); (ii) as per the custody certificate, the petitioner has suffered incarceration of approx. 04 months; (iii) trial is not likely to conclude anytime soon, inasmuch as, despite the charges becoming framed on 17.05.2024, charges have not yet been framed, therefore, subjecting the petitioner to prolonged incarceration would serve no fruitful purpose.

9. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial



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Court/Duty Magistrate.

10. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

July 25, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No