

AVTAR SINGH @ TARI

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ajeet Pal Singh Pakka, Advocate
for the petitioner.

Mr. Jai Narian, AAG, Punjab.

KARAMJIT SINGH, J.

1. Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No. 58 dated 28.03.2023 registered for the offences punishable under Sections 379, 413 of IPC (Section 411 of IPC, added later on) at Police Station City Jalalabad, District Fazilka.
2. The allegations in nutshell against the petitioner are that on the basis of secret information police apprehended present petitioner and his co-accused-Gurpreet Singh and at that time one stolen motorcycle was recovered from possession of the petitioner while another stolen motorcycle was recovered from co-accused Gurpreet Singh. There are also allegatins that during further investigation the accused persons including the present petitioner got recovered another stolen motorcycles from different places.

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3. Counsel for the petitioner *inter alia* submits that the petitioner who is incarcerated since 28.03.2023, is falsely implicated in the present case. That even otherwise alleged recoveries are already effected and presently the petitioner is lodged in judicial custody but the trial has not commenced as charges are yet to be framed against the accused persons including the petitioner. Counsel for the petitioner further submits that no purpose is going to be served by detaining the petitioner in custody for any longer period.

4. Present petition is resisted by the State counsel who submits that one stolen motorcycle was recovered from possession of the petitioner on 28.03.2023 by the police and thereafter petitioner suffered disclosure statements and got recovered some more stolen motorcycles from the disclosed places. Learned State counsel further submits that the petitioner is having criminal history. However, the State counsel has not disputed the fact that the trial has not commenced till date and it will take considerable time for the final disposal of trial.

5. I have considered the submissions made by the counsel for the parties.

6. The recoveries are already effected in the present case and after completion of investigation, police has presented the challan.

7. Admittedly, the petitioner is in custody since 28.03.2023 and it will take considerable time for the trial to terminate even after the framing of charges. In the given circumstances, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period even he is involved in some other criminal cases of similar nature.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be

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released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.02.2024

Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

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