

GULSHAN KUMAR @ SHERU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr.Dinesh Trehan, Advocate for the petitioner. (through VC)

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

1. Learned State counsel has filed reply by way of affidavit dated 18.09.2024 of Deputy Superintendent of Police, Jagraon, District Ludhiana (Rural) alogwith custody certificate dated 30.09.2024, the same are taken on record. Copy thereof, have been supplied to the counsel opposite.
2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
59	16.04.2023	379-B IPC	Sadar Jagraon, District Ludhiana Rural

3. Arguments heard.

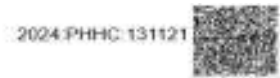


4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case while being in custody in some other case. He contends that the petitioner was arrested on 17.07.2023 and no recovery has been effected from him in the case. After completion of investigation, challan has already been presented in Court and the conclusion of trial will take sufficient long time, hence he prays for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State contends that the petitioner alongwith co-accused had alleged to have snatched ₹83,000/- from the complainant on 16.04.2023. Besides snatching his ATM Card, Driving License, Aadhar Card, as such he does not deserve concession of bail.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner alongwith co-accused had alleged to have snatched ₹83,000/- from the complainant on 16.04.2023. Besides snatching his ATM Card, Driving License, Aadhar Card. The petitioner was arrested on 17.07.2023 while he was in lockup in some other case and as per reply submitted by the State no recovery of the alleged articles have been effected from the petitioner. Admittedly, challan has already been presented in Court and the conclusion of trial will take sufficient long time. The petitioner being in custody since 17.07.2023 can not be allowed for incarceration in custody any longer.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner



behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

01.10.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |