

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-60415-2023 (O&M)
Date of Decision:- 10.04.2024

LADDA ALIAS BALPREET SINGH

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Varun Gupta, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 18.03.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Sub Division Kotkapura, District Faridkot, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
149	31.08.2015	382 IPC; (379-A, 379-B IPC added later on vide entry No.32 dated 09.09.2015)	City Kotkapura, District Faridkot

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He contends that although the case was registered in the year 2015, however, the petitioner never received any summons and he was declared proclaimed offender. Thereafter, the petitioner was arrested on 23.07.2023 and since then he is in custody. He contends that the petitioner has no concern whatsoever with the alleged transaction and even no recovery has been effected from him. He submits that after the conclusion of investigation, challan has been presented in Court and as such, he is not required for investigation by the police. He thus prayed for grant of regular bail to the petitioner.

5. Learned State counsel, while referring to the status report submitted by State, contends that petitioner along with co-accused are alleged to have looted Rs.96,932/- by sprinkling chilly powder in the eyes of the complainant and as such he does not deserve the concession of bail. He, however, admits that challan has already been presented in Court and out of 20 witnesses cited by the prosecution, only 3 witnesses have been examined.

6. Heard.

7. After considering the respective submissions and perusing the record, it transpires that the instant case was registered against unknown persons on the allegations that they had sprinkled chilly powder in the eyes of the complainant and snatched Rs.96,932/- from him. The petitioner was earlier declared proclaimed offender in this case and was arrested only on 23.07.2023. Thereafter, no recovery has been effected from the petitioner

and challan has already been presented in Court for trial. There are 20 witnesses cited by the prosecution, however, only 3 witnesses have been examined till date. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and the petitioner cannot be left to incarcerate in custody any longer.

8. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate 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.

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

10. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

10.04.2024
S.Sharma(syr)

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