

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

232

2024:PHHC:020825
CRM-M-62535-2023
Date of decision: February 14th, 2024

Gurdas @ Rohtas
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lalit Singla and Ms. Varsha Sharma, Advocates
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.132 dated 27.07.2018 under Section 379 (Section 411 was added later on) of the IPC, registered at Police Station Lehra, District Sangrur.

2. Learned counsel for the petitioner, *inter alia*, contends that the false implication of the petitioner in the case in hand is evident from the fact that firstly, he was not named in the FIR in question, which has been annexed as Annexure P-1 and still further, he came to be nominated as an accused on the basis of a disclosure statement suffered by co-accused Harpreet Singh alias Toti. It has been further submitted that as per allegations levelled in the FIR, some unknown persons had committed theft of a trolley, however, it was also a matter of record that on being arrested on 06.10.2023, no recovery was effected from the petitioner and the recovery of stolen trolley had already been effected from the co-accused, on whose disclosure statement, he was nominated as an accused. It has been submitted by the learned counsel that since the investigation in the case at hand is complete and even charges stand

framed, his further incarceration would serve no useful purpose as the possibility of the trial concluding in the near future is remote considering that 22 witnesses have been cited by the prosecution.

3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Harjoginder Singh, has not disputed that the involvement and role of the petitioner in the crime in question came to light during investigation when co-accused Harpreet Singh alias Toti suffered a disclosure statement. Learned State counsel has also not disputed that no recovery of any stolen article much less trolley was effected from the petitioner when he was arrested by the police on 06.10.2023. He has, however, submitted that the petitioner is a habitual offender, which is evident from the pendency of other similar cases against him.

4. On a pointed query, learned State counsel has further not controverted that the investigation in the case in hand is complete and now the next date fixed before the trial Court is 16.02.2024 when the prosecution evidence is likely to commence.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In the facts and circumstances as enumerated hereinabove, since there is no likelihood of the trial concluding in the near future, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

February 14th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No