

CRM-M-4870-2017

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

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Date of Decision: 20.02.2017

Rupinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. P.S.Ahluwalia, Advocate,
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

Mr. G.S.Pannu, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner-Rupinder Singh has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.197 dated 28.11.2016, registered at Police Station Sadar Ludhiana, District Ludhiana, under Sections 379-B and 34 of the Indian Penal Code and Section 25 of the Arms Act, 1959 (Sections 379-B IPC and Section 25 of the Arms Act, 1959 deleted later on) and Sections 365, 392, 473, 170, 171, 120-B and 34 of the Indian Penal Code and Section 30 of the Arms Act, 1959 added later on.

Notice of motion has been issued. Learned State counsel put in appearance on behalf of the respondent-State and the complainant also appeared through his counsel. They contested this petition.

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I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that as per the FIR, Rs.27 lakhs were taken away from the complainant on gun-point by the persons, who were in police uniform.

Learned counsel for the petitioner argued that firstly, there is delay of four days in lodging the FIR and secondly, the offences under Section 25 of the Arms Act, 1959 and Section 379-B IPC have been deleted though the offences under Sections 392 IPC etc. have been added later on. He further argued that after more than a month, the complainant made a supplementary statement stating that old currency notes of Rs.8.5 lakhs are found still lying in the car. The co-accused namely Iqbal Singh and Sarabjit Singh have already been granted bail by the trial Court vide order dated 16.02.2017.

Perusal of the order dated 16.02.2017 reveals that Section 395 IPC etc. have been added later on in this FIR. The petitioner has been in custody since 29.11.2016. Otherwise also, he is not required for any investigation or interrogation purposes as challan has already been presented and he has only to face the trial which will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without

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expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

20.02.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No