

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

CRM-M-31142-2018
Date of decision: 22.10.2018

Gurwinder Singh @ Nona

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 37 dated 20.02.2018, under Sections 379-B and 341 of the IPC (Section 201 IPC added later on), registered at Police Station Sadar Patti, District Tarn Taran.

Learned counsel for the petitioner submits that vide order dated 06.09.2018 passed in **CRM-M-15606-2018** and two other connected petitions, while granting regular bail to co-accused Heera Singh, Kuldeep Singh @ Takla and Kuldip Singh @ Manak, the following order was passed:

“Learned counsel for the petitioners submit that as per allegations in the FIR, the complainant, who is working as Field Officer in a finance company, used to provide loan to unemployed women in the villages and on 20.02.2018, the complainant along with one Pankaj Attri were coming from the various villages,

after collecting the weekly installments of the loan and when they reached near a canal, 03 young persons, who had covered their faces, surrounded them and snatched the kit bag having cash and fled away. Thereafter, when the complainant and his accomplice raised voice, the villagers managed to catch hold of one person and other two persons ran away with cash and the kit bag. Later on, even the person, who was apprehended by the villagers, also managed to escape and his nick name was Manan. It is further further stated in the FIR that in Village Assal, there are 15 members and wife of one of the accused person namely Naina, is also one of the member of their company and therefore, he was known to the complainant earlier. It is also stated that name of third person was Kuldeep Singh, who was a friend of two other persons and he can recognize them. Learned counsel for the petitioner further submits that in fact, all the four accused persons belong to the same village and there was some dispute regarding settlement of accounts, for which they have been falsely implicated. It is further argued that on one hand, it is alleged that the accused persons were having muffled faces and in later part of the FIR, the complainant alleged that he knows all the persons by name. Learned counsel has further submitted that petitioners Kuldeep Singh @ Takla and Kuldip Singh @ Manak are in judicial custody since 05.03.2018 and petitioner Heera Singh is in judicial custody since 20.03.2018, challan has already been presented and they are not required for any custodial interrogation. Learned State counsel, on instructions from ASI Kewal Singh, has however submitted that petitioner Heera Singh and Kuldeep

Singh @ Takla are not involved in any other case but petitioner Kuldip Singh @ Manak is involved in two other cases, in which he is on bail.”

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 07.03.2018 and as per the allegations in the FIR, it is stated that the wife of the petitioner was working in the financial institution where the complainant was also working. It is further submitted that recovery already stands effected and the petitioner is no more required for any further custodial interrogation and the challan stands presented.

Learned State counsel, on instructions from ASI Kewal Singh, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that petitioner is in judicial custody since 07.03.2018 and is no more required for any further custodial interrogation; he is not involved in any other case and also considering the fact that the trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

October 22, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No