

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22862-2019 (O&M)
Date of decision: 08.11.2019

Varinder Singh @ Goldy

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.0175 dated 28.10.2018 under Sections 399 & 402 IPC and Sections 25/54/59 of Arms Act, registered at Police Station Passiana, District Patiala.

Learned counsel for the petitioner relies upon the order dated 10.05.2019 passed in CRM-M-2212-2019, granting regular bail to co-accused Karamjit Singh @ Karma. The operative part of the order reads as under: -

“...Learned counsel for the petitioner submits that as per allegations in the FIR, on receiving a secret information that some persons are present near village Shermajra and are planning for dacoity. The police party conducted a raid and arrested four persons including the petitioner. It is stated that the petitioner was armed with iron rod and two other persons namely Gurjinder

Singh and Gurbhej Singh were armed with .315 bore pistols and one Varinder Singh was armed with spring actuated knife. It is further submitted that the petitioner is first offender and is not involved in any other case.

Learned State counsel, on instructions from HC Balbir Singh submits that the investigation is complete, challan stands presented and the same is yet to be committed to the Court of Sessions.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 28.10.2018; he is not involved in any other case and also the nature of recovery effected from him, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.”

Learned counsel for the petitioner submits that allegations against the petitioner are similar to co-accused and his case is on the identical footing as of co-accused and the petitioner is in custody for the last more than one year.

Learned State counsel has not disputed the abovesaid factual position, however, on the basis of custody certificate, submits that the petitioner is involved in two more FIRs.

In reply, learned counsel for the petitioner has submitted that the petitioner is on bail in both these FIRs.

Without commenting anything on the merits of the case, considering the fact that co-accused of the petitioner has been granted the

concession of regular bail and the petitioner is in custody for the last more than one year, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail, in case the petitioner is found involved in any other case or misusing the concession of bail, in any manner.

[ARVIND SINGH SANGWAN]
JUDGE

08.11.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No