

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

I.

CRM-M-26768-2019

Date of decision: July 05, 2019

Krishan Singh

....Petitioner

Versus

State of Punjab

....Respondents

II.

CRM-M-4293-2019

Kuldeep Singh @ Peelu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab

ARVIND SINGH SANGWAN, J. (Oral)

This order shall dispose of two petitions, i.e. CRM-M-26768-2019 filed by Krishan Singh and CRM-M-4293-2019 filed by Kuldeep Singh @ Peelu for grant of regular bail in case FIR No.46 dated 3.5.2017 under Sections 392, 506 IPC and Sections 25 and 27 of the Arms Act (challan filed under Section 292, 395, 506, 201 IPC and Sections 25 and 27 of Arms Act) registered at Police Station Kabarwala, District Sri Muktsar Sahib.

Learned counsel for the petitioners submit that the petitioners were arrested after one year of registration of the FIR on the disclosure statement made by the co-accused, who was arrested in some other case which was registered subsequent to the present FIR.

Learned counsel for the petitioners referred to the statement made by PW1 Arvish Kamboj, Bank Manager, PW3-Sumit Kumar, Cashier and PW4 Labh Singh, Peon. Learned counsel stated that they cannot

identify the accused persons present in the Court as the person who had committed the dacoity were having muffled faces. Learned Counsel has referred to the allegations in the FIR, wherein this fact is not mentioned that persons who committed the offence were having muffled faces and rather, their description is given by their age and the clothes, which they were wearing and it is not mentioned in the FIR that they were muffled faces. Learned counsel further argued that the petitioners are in custody since 12.9.2018 and since all the material witnesses have not supported the prosecution version, the chances of their conviction are bleak.

Learned counsel has further argued that another co-accused of the petitioners have been granted the concession of regular bail.

Learned State counsel, on instructions from ASI Baljinder Singh could not dispute the fact that all the three relevant/eye-witnesses have not supported the prosecution version so far the identification of the petitioner are concerned.

Without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on regular bail, subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Illaqqa Magistrate/Duty Magistrate.

The petitions stand disposed of.

July 05, 2019
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No