

214

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30937-2019

Date of decision-03.09.2019

Gurmej Singh @ Gora

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. M.S.Bajwa, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab assisted by
ASI Gurpreet.

MANOJ BAJAJ, J.

Petitioner-Gurmej Singh @ Gora has prayed for grant of regular bail in case FIR No.32 dated 23.02.2018 registered under Sections 342, 457 and 380 of Indian Penal Code, 1860 (Sections 395 and 392 IPC added later on) at Police Station Baghapurana, District Moga.

The FIR was registered on the statement of Jagdev Singh, who is owner of Ganga Rice Mill, Baghapurana, with the allegations that on 22.02.2018, he shelled two truck loads of paddy and dumped 1080 bags. All rice bags were yet to be cleared by FCI but on 23.02.2018, he was telephonically informed that all dumped rice bags were taken away by unidentified persons.

Learned counsel for the petitioner contends that the indictment of the petitioner is based upon the statement suffered by Rajwinder Singh under Section 161 Cr.P.C before the Police wherein he states that while

having meals at a dhaba, he over-heard the conversation between the alleged accused who had committed the crime as mentioned in the FIR. According to him, except for this evidence, there is nothing to connect the petitioner with the crime as no recovery has been effected. He submits that statement of Rajwinder Singh is hearsay in nature and the name of the petitioner does not figure in it. It is further pointed out that three of the co-accused of the petitioner have already been granted the concession of regular bail.

On the other hand, learned State counsel assisted by ASI Gurpreet opposed the bail application. It is pointed out that the complainant, namely, Jagdev Singh has already been examined as witness by the prosecution and in all four witnesses have been examined out of total 20 prosecution witnesses. It is also not disputed that the petitioner was arraigned as an accused on the statement of Rajwinder Singh.

Considering the above background, custody of the petitioner and the fact that the trial of the case is likely to consume more time, this Court finds that further custody of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Moga.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

03.09.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No