

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32430-2019 (O&M)
Date of decision: 28.11.2019

Jasvir Singh @ Jagsir Singh @ Sira

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.46 dated 03.05.2017 under Sections 392, 506 IPC and Sections 25/27 of Arms Act (challan was filed under Sections 392, 395, 506, 201 IPC and Sections 25/27 of Arms Act), registered at Police Station Kabarwala, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that the petitioner was arrested after a period of more than 01 year of registration of the FIR and similarly situated co-accused Krishan Singh and Kuldeep Singh @ Peelu have already been granted the concession of regular bail vide common order dated 05.07.2019 passed in CRM-M-26768-2019 and CRM-M-4293-2019. The operative part of the order dated 05.07.2019 reads as under: -

“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...”

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

Without commenting anything on merits of the case, considering

the aforesaid factual position, 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/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

28.11.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No