

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-46353 of 2019

Date of Decision: 05.11.2019

Gulshan Singh @ Gosha

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sidhant Merha, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 12 dated 23.03.2019 registered for offences punishable under Sections 379-B, 467, 468, 471, 473 read with Section 34 of Indian Penal Code (for short, "IPC"); and 25 of the Arms Act, at Police Station Nangal Bhoor, District Pathankot.

Heard.

Notice of motion.

On asking of the Court, Mr. Avtar Singh Sandhu, Addl. A.G. Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him. He submits that as per case of prosecution, three young boys came on one Pulsar motorcycle at Petrol Pump of complainant and purchased petrol of ₹100/-. Thereafter, they caught hold of Harbans Singh, employee of Petrol Pump and took out ₹4000/- from his pocket and on pistol point snatched another amount of

₹76000/- lying in the *almirah* in office. Mukesh Kumar @ Tony was arrested during investigation and on his disclosure statement petitioner was arrested on 25.04.2019 and a country made pistol and ₹20,000/- were recovered from his possession.

Learned counsel for the petitioner submits that co-accused, Mukesh Kumar @ Tony, has been allowed regular bail vide order dated 04.09.2019 passed in CRM-M-35989-2019. No test identification parade was got conducted by the police. Challan against the petitioner has been presented in Court and the next date fixed is 14.11.2019 for consideration on framing of charge.

Without expressing any opinion on merits of the case and keeping in view the fact that co-caused, Mukesh Kumar @ Tony has been allowed regular bail; after completion of investigation challan against the petitioner has been presented in Court; and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Gulshan Singh @ Gosha is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

(c) He shall not leave the country without the previous permission of the Court.

November 05, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No