

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

**CRM-M No. 47315 of 2019
Date of Decision:-16.11.2019**

Gurwinder Singh @ Ginda Sandhu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Inderjit Singh Brar, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Gurwinder Singh @ Ginda Sandhu has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 148 dated 20.06.2019, under Section 379-B read with Section 34 IPC, registered at Police Station Division No.6, District Ludhiana. The petitioner is in custody since his arrest on 13.7.2019.

The FIR was registered on the statement of Anil Singh, in which it was alleged that he worked in the office of Navdurga Engineering Works, building of Rajinder Kumar, situated near Manju Cut in Industrial Area 'B', Ludhiana. There alongwith him three more persons, namely, Amba Lal, Tejas Patel and Pappu were also working. The owner, Dashrath Bhai had gone to Gujarat for some work on the day of incident. On

20.6.2019, at about 2:20/25 O'clock in noon, four persons with muffled faces entered in the premises and two of them were carrying datar and one was having pistol like thing in his hand, whereas fourth was standing outside with Tejas. They pointed out the weapons towards complainant and others and forcefully took away the money from the drawers of the tables.

Learned counsel for the petitioner contends that the petitioner has not been named in the FIR. He submits that it is on the disclosure statement, suffered by co-accused Bant Singh, petitioner has been indicted in this case and the said statement is not admissible in evidence. It is further contended that the petitioner had not entered in the premises, but had conducted reiki of the place. He further submits that nothing is to be recovered from the petitioner and after completion of investigation, challan has been presented before the Court. He submits that the trial will take sufficient time to conclude, therefore, further detention of the petitioner may not be justified.

On the other hand, learned State counsel, who is assisted by ASI Kapil Kumar, opposed the prayer on the ground that it is the petitioner, on whose instigation the offence has been committed and he is also involved in three more FIRs.

At this stage, Ld. Counsel for the petitioner has invited attention of the Court to the stand of the State before the Court of Sessions where it was informed that the petitioner is involved in one more case bearing FIR No. 124 dated 25.05.2019 registered under Sections 379-B read with Section 34 IPC at Police Station Division No. 6, Ludhiana. It is

further contended that the petitioner has been indicted on the basis of disclosure statement before the Police which may not be admissible in evidence.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody 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, Ludhiana.

The petition is allowed.

November 16, 2019
Vijay Asija

(**MANOJ BAJAJ**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No