

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48128-2019
Date of decision-19.11.2019

Gaurav Singla @ Tony

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mayur Karkra, Advocate for the petitioner.
Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Gaurav Singla @ Tony has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.121 dated 16.05.2015 registered under Sections 395, 412, 342, 323 and 120-B of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Police Station Tripuri, Patiala. The petitioner is in custody since his arrest on 17.05.2015.

The FIR was registered on the statement of complainant, namely, Darshan Singh son of S.Shiv Charan Dass who was working as Manager at Muthoot Finance Corporation Ltd. It was alleged that on 16.05.2015, when complainant along with other officials was working in the office, two young boys with muffled faces entered the office and asked about the Manager from Navneet Kaur who stated that Manager (complainant) was in his cabin. Then they put pistol on forehead of the complainant and affixed tape on his mouth and tied his hands. Thereafter, he was confined to bathroom of the office. Then they took keys from Navneet Kaur and Venus Sharma and opened the store room from where gold

weighing around 11 k.g.260 grams and a cash of Rs.2,50,000/- (approx) were taken away. Thereafter, they taped the mouths of Navneet Kaur and Venus Sharma and tied their hands. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that petitioner has been implicated in the present FIR on the basis of disclosure statement suffered by co-accused. He has invited the attention of the Court to orders dated 22.01.2016, 05.02.2016 and 16.03.2016 (Annexure P-2), whereby concession of regular bail has already been granted to the co-accused by this Court. Learned counsel has pointed out that previously similar applications were filed by him for grant of regular bail, however, the concession was not extended and a direction was issued to the trial Court to conclude the trial expeditiously by giving short adjournments. The said order was passed on 06.09.2017 and another order dated 13.12.2018 was passed on the similar lines. He submits that the trial is likely to consume considerable time as still more than 10 witnesses remain to be examined, therefore, further custody of the petitioner may not be required.

On the other hand, learned State counsel who is assisted by ASI Angrez opposed the prayer. He has apprised the Court that the prosecution has examined 18 witnesses out of total 33 witnesses and the remaining witnesses would be examined in a short period. He submits that in compliance of the previous orders passed by this Court, the trial Court is progressing with the trial speedily by giving short dates. It is also not disputed that the complainant and other material witnesses have been

examined by the prosecution.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time as 15 witnesses still remain to be examined. Apart from it, as the material witnesses have already testified before the Court, therefore, further detention of the petitioner who is in custody for the last more than four and a half years, may not be justified. Resultantly, 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 concerned.

The petition is allowed.

19.11.2019

vanita

(MANOJ BAJAJ)
JUDGE

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