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

CRM-M-48054-2019

Date of Decision: 18.11.2019

Mohd. Sajjad**.. Petitioner****Vs.****State of Punjab****..Respondent****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Lekh Raj Sharma, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

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Manoj Bajaj, J.

Petitioner Mohd. Sajjad has filed this petition under Section 439 Cr.P.C. for grant of regular bail in a case FIR No.73 dated 29.11.2018, registered under Sections 394, 458, 323 and 34 IPC and Section 25 of the Arms Act, 1959, registered at Police Station City Ahmedgarh. He is in custody since his arrest on 29.08.2019.

The FIR in the present case has been registered on the statement of complainant Raman Garg, wherein it was mentioned that on 29.11.2018 at about 12:45 P.M., four unidentified persons entered his house, who were armed with country made pistol, iron pipe and knife. One of them fired a shot with country made pistol, which hit against the wall of his room and wife of the complainant received injury on her face and another accused gave rod blow on the head of his father. They had stolen away a gold chain, pair of tops, 10-15 silver coins, 4 silver glasses, documents and also removed ₹4,00,000/- cash, etc.

Learned counsel for the petitioner contends that the petitioner

was not one of those accused, who allegedly entered the house of the victim

(complainant) and committed the alleged crime as contained in the FIR. He submits that the petitioner was indicted on the basis of the disclosure suffered by co-accused Sukhwinder Singh that the alleged stolen ornaments were sold to the petitioner, who runs a jewellery shop. It is pointed out that a similar statement was suffered by the said co-accused Sukhwinder Singh in another case FIR No.48 dated 23.06.2019, under Sections 457/380 IPC, registered at Police Station City Ahmedgarh, wherein the concession of bail has been extended to the petitioner vide order dated 24.10.2019 (Annexure P-2). He submits that further custody of the petitioner may not be justified, particularly when the investigation of the case is complete.

On the other hand, learned State counsel, who is assisted by ASI Parvinder has opposed the prayer, however, he does not dispute the said fact that the petitioner was indicted on the statement of co-accused Sukhwinder Singh. Also in a similar manner, the petitioner was made an accused in FIR No.48 dated 23.06.2019, under Sections 457/380 IPC, registered at Police Station City Ahmedgarh and he is on bail.

Considering the fact that the trial is likely to consume more time, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case, petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

18.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE