

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Sr. No.206

CRM-M-5514-2020 (O&M)
Date of decision : 11.6.2020

Avtar Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CRM-M-13803-2020 (O&M)

Khem Chand Prasher

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.P.S. Sidhu, Advocate, for the petitioner,
In CRM-M-5514-2020.
Mr. P.S. Ahluwalia, Advocate, for the petitioner
In CRM-M-13803-2020.
Mr. Monika Jalota, DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

This common order shall dispose of aforementioned two petitions as both arise out of the same First Information Report. For ease of order, reference is made to CRM-M-5514-2020.

In the FIR, it has been alleged that the petitioner alongwith co-accused waylaid the complainant and his friends and took them to a police station, where they were illegally confined for a long period. Ultimately, their belongings were forcibly taken and kept in an alto car, which was driven away by co-accused, namely, Anoop Grover. The belongings contained hidden gold, i.e. 2 kgs. 403 grams allegedly smuggled into India from Dubai.

Learned counsel for the petitioner submits that the story put forth in the FIR is doubtful as in the challan presented under Section 173 Cr.P.C., the source of the gold has been changed from Dubai to Mumbai.

Moreover, neither the complainant appearing as PW-1 nor his friend appearing as PW-3 have supported the case of the prosecution. Co-accused, namely, Anoop Grover, who allegedly took away the gold has been granted regular bail by this Court. The petitioner has been in custody since 28.9.2019 and the trial is not likely to be concluded at an early date as only four PWs have been examined out of a total of 25 PWs. The offence is triable by a Magistrate and thus, the petitioner deserves to be released on regular bail.

So far as the status of trial is concerned, on instructions from ASI-Sukhpal Singh, the same is not disputed by the learned State counsel. She opposes the prayer for bail on the ground that the petitioner, despite being a member of the police force, has committed a serious offence.

From the submissions of learned counsel, it is apparent that the evidence as on date does not support the prosecution. It is also evident that the investigating agency is itself not sure about its case regarding source of the gold. Thus, false implication cannot be ruled out. Further, the petitioner has been in custody for almost nine months as on date and the trial is not likely to be concluded at an early date, thus, I deem it appropriate to allow the petitions. Accordingly, the petitions are allowed and petitioners, namely, Avtar Singh and Khem Chand Prasher, are ordered to be released on bail on their furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(SUDHIR MITTAL)
JUDGE

11.6.2020

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes / No

Yes/ No