

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

1. CRM-M-8545-2020

Nirmal Singh @ Nimma

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-16432-2020

Kanwalpreet Singh @ Kanwal

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 19.11.2020

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner(s).

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in these petitions, filed under Section 439 of the Code of
Criminal Procedure, is for grant of regular bail to petitioners Nirmal Singh
@ Nimma and Kanwalpreet Singh @ Kanwal in case FIR No. 122 dated
13.10.2018, registered under Sections 392, 506, 34 of the IPC and Section
25 of the Arms Act, 1959 (Section 379-B(2) IPC added later on) at Police

Station Maqboolpura, District Amritsar.

Learned counsel for the petitioners submits that as per the allegations in the FIR, registered at the instance of complainant Vinod Kumar, it is stated that he is working in a Toyota car agency/showroom and on the date of incident, when five new Toyota Innova Crysta cars were received by the showroom, two young boys, aged around 25-30 years, came there and snatched one Innova Crysta car by pointing a pistol at complainant.

Learned counsel further submits that later on, Jodhbir Singh and Gursewak Singh @ Sewak were seen in the CCTV footage and both of them were arrested by the police as they were chased by a police party and in this regard, FIR No. 229 dated 13.10.2018 was registered at Police Station Civil Lines, Police District Batala, District Gurdaspur.

Learned counsel further submits that on the basis of the disclosure made by aforesaid Jodhbir Singh and Gursewak Singh @ Sewak, petitioners were nominated in the present FIR as well as in FIR No. 229.

It is further submitted that petitioners are in judicial custody for the last about two years and the statement of the complainant has already been recorded and only official witnesses remain to be examined.

Learned counsel further submits that as per custody certificate, petitioners are shown to be involved in some other FIRs, however, they are on bail in those cases and has relied upon certain orders in this regard.

Learned counsel further submits that petitioners have already been granted concession of bail in aforesaid FIR No. 229.

In reply, learned State counsel submits that both the petitioners were sitting in a different vehicle at the time when the aforesaid car was

snatched from complainant by said Jodhbir Singh and Gursewak Singh @ Sewak and later on, they were implicated in this case on the disclosure of said co-accused. However, it is not disputed that petitioners are on bail in all the other cases including FIR No. 229 and they are in judicial custody for the last about two years.

Learned State counsel has also not disputed that statement of the complainant has already been recorded.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties, the instant petitions are allowed and petitioners Nirmal Singh @ Nimma and Kanwalpreet Singh @ Kanwal are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

A photocopy of this order be placed on the file of other connected case.

19.11.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No