

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

CRM-M 18569-2020

Date of Decision : July 31, 2020

Parminder Singh @ Tiger

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vishavdeep Singh Rana, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.
(through video conferencing).

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.252 dated 7.9.2017 under Sections 379-B, 336, 392 IPC (added later on) and Section 25 of the Arms Act, 1959 registered at Police station Samrala, District Ludhiana.

Counsel for the petitioner has submitted that the petitioner was arrested on 29.12.2017 and he is on bail in two other FIRs, which were registered in the month of November, 2017.

Counsel for the petitioner submits that the investigation is complete, challan stands presented on 31.7.2019 and till date despite a lapse of one year, no prosecution witness has been examined. Counsel has relied upon the order dated 24.9.2019 passed in CRM-M-40125-2019 granting regular bail to co-accused Gurdeep Singh @ Manna. The operative part of the order reads as under :-

“The FIR was registered on the statement of

complainant Jagjit Singh, wherein it was alleged that on 06.9.2017 when complainant alongwith his uncle Dalbir Singh was travelling in his vehicle i.e. car bearing registration No.PB-65-W-0083 and reached near Bagli Kalan, they stopped the car and his uncle went to purchase some grocery items. Then three persons came near the vehicle and one of them took out the pistol and snatched away the vehicle from him after firing. The said vehicle was containing one mobile set of nokia model 3310, ATM Cards of Axis Bank and Punjab & Sind Bank, driving license, Pan card, Aadhar Card of his uncle and Rs.10,000/- cash alongwith copy of RC and insurance of the car.

Learned counsel for the petitioner contends that investigation of the case is complete and charges have also been framed against the petitioner. However, the prosecution is yet to examine its witnesses and the same is likely to consume considerable time. According to him, keeping in view the period of detention, which is more than two years, further custody of the petitioner may not be justified.

On the other hand, the prayer is opposed by learned State counsel who is assisted by HC Swaran Singh on the ground that the petitioner is involved in various other cases. He has filed the custody certificate by way of affidavit of Manjit Singh Sidhu,

PPS, Deputy Superintendent, Central Jail, Patiala. It is submitted that in six of the cases he has already been acquitted and in some of the cases the trial is pending. Besides the petitioner is already convicted in some of the cases. It is contended that the petitioner does not deserve the concession of bail.

Considering the above, this Court finds that as no witness has been examined by the prosecution so far, further custody of the petitioner 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 the requisite bail bonds and surety bonds to the satisfaction of the trial Court, Ludhiana.”

Counsel for the petitioner further submits that since the petitioner is in custody for the last 02 years and 07 months, he may be granted the concession of regular bail as the trial is not likely to start.

Learned State counsel has, however, submitted that the petitioner is involved in two more cases and the weapon used in this offence is also involved in one more FIR. However, the learned State counsel does not dispute the factum of grant of bail to co-accused Gurdeep Singh @ Manna. He, however, submits that he could not ascertain the actual sentence undergone by the petitioner.

After hearing counsel for the parties, considering the arguments and in view of the order dated 24.9.2019 passed in CRM-M-40125-2019, the present petition is allowed and the petitioner is directed to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

July 31, 2020
satish

Whether speaking/reasoned : Yes/No
Whether reportable: : Yes/No