

CRM-M-23443-2020

Date of Decision: 17.09.2020

Sukhbinder @ Minda

.....Petitioner

Vs.

Centraj Bureau of Investigation

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms. Tanu Bedi, Advocate, for the petitioner.

Mr. Sumeet Goel, Advocate, for the respondent.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. RCCHG0012018S0005 dated 15.10.2008, registered at Police Station CBI SCB, Chandigarh, for the alleged commission of an offence punishable under Sections 302 of the IPC read with Section 34 thereof, and Section 25 of the Arms Act, 1959 (originally registered as FIR No. 15 dated 12.01.2017, at Police Station Dabwali, District Sirsa, for the alleged commission of offences under punishable under Sections 148, 149, 302, 307, 212 and 506 of the IPC read with Section 120-B thereof and Sections 25/54 of the Arms Act, 1959).

On 25.08.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

Though learned counsel for the petitioner submits that the petitioner has been in custody since January 2017, i.e. for 03 years and 07 months now, with the CBI not having completed the investigation despite a direction having been issued to complete such investigation within 10 weeks of September 2018, learned counsel for the CBI seeks time to file a reply to the petition.

On her request, adjourned to 17.09.2020, with it made clear that if the reply of a gazetted officer to all contents of the petition is not filed giving therein also reasons for the delay in the investigation, even far before the current pandemic set in, naturally an adverse order will have to be passed by this court.”

In the meanwhile, since then a reply has been filed by the CBI, in which the role of the petitioner, Sukhbinder @ Minda, is reproduced, stating to the effect that he made a disclosure statement that he had provided the vehicle for reconnaissance ('Recce'), prior to the commission of crime, pursuant to which the vehicles in questions were recovered.

He further submits that another disclosure statement was made by the petitioner (as per the case of the investigating agency), on 30.01.2017, to the effect that he had called one Virender @ Bablu on the telephone and told him that a message be conveyed to the 'shooters' that Amit Saharan (deceased), was present at a particular place.

However, upon query to learned counsel for the CBI, he submits that as per his instructions, no recovery was made pursuant to that disclosure statement.

Keeping in view the above and the fact that the petitioner is stated to have been in custody since 25.01.2017, with even the report under Section 173 of the Cr.P.C. to be still submitted, without making any comment on the actual merits of the case for or against the petitioner, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate, concerned.

It is to be further noticed that Mr. Goel has submitted that the report under Section 173 (2) of the Cr.P.C will be submitted, in all probability within one month.

September 17, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.