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

**CRM-M-35459-2020
Date of Decision: 27.11.2020**

Harpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. R. Kartikeya, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition for regular bail filed under Section 439 Cr.P.C. on behalf of the petitioner in case FIR No.51 dated 17.02.2020, under Sections 392, 395, 379-B, 342, 120-B, 212, 216, 201, 450, 148 & 149 of the IPC and Section 54, 59 & 25 IB(F) of the Arms Act, registered at Police Station Division No.6, Ludhiana.

[2]. The petitioner has remained in detention in the present case for more than 8 months since 14.03.2020.

[3]. After completion of investigation, Challan against the petitioner has already been submitted.

[4]. On perusal of the reply filed on behalf of the State by way of Affidavit of Deputy Superintendent of Police, Organized Crime Control Unit (OCCU), Intelligence Wing, Amritsar, it transpires that the role attributed to the petitioner is that the robbery which took place in the establishment of the complainant, was planned in his house where the

persons actually involved in the occurrence had been staying for about a week prior to the relevant date. In addition, the petitioner is alleged to have been in regular contact with accused Gagandeep Singh for almost 2½ years. His complicity has transpired from the disclosure statement of the co-accused as well as the statement given by the petitioner himself. Admittedly, both these statements are not admissible in evidence. The recovery of an empty bag in which the looted gold was allegedly carried away by the robbers along with small equipments used in the robbery was effected from the Motor Room in the fields of petitioner, but such recovery was at the instance of co-accused Gagandeep Singh.

[5]. The bail prayer is nevertheless opposed on behalf of the State by drawing attention of the Court to the fact that he has previously involved in two separate cases being FIR No.102, dated 16.07.2012, registered under Sections 307, 452, 427, 148 & 149 of the IPC and Sections 25 & 27 of the Arms Act at Police Station Makhu and FIR No.117, dated 25.07.2015 of the same Police Station registered under Sections 302 and 34 of the IPC, but on perusal of the judgments passed by the concerned Trial Courts (Annexures P-4 and P-5, respectively), it is seen that he has already been acquitted in both the cases.

[6]. In such circumstances, further detention of the petitioner for an indefinite period in the present case at this stage is not called for, since it transpires that so far only Challan in the case has been presented and the trial is yet to commence, which once commenced is also likely to take its own substantial time to complete due to ongoing Covid-19 Pandemic.

[7]. As such, without commenting any further on the merits of the present case as a whole, the prayer of the petitioner for regular bail is

allowed and he is ordered to be released on bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[8]. Disposed off.

27.11.2020

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No