

In virtual Court

CRM-M-3964-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3964-2021 (O&M)
Date of decision: 29.06.2021

Gurwinder Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Bhalla, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-15265-2021

For the reasons stated in the application, same is allowed and date of hearing is preponed from 03.09.2021 to today.

CRM stands disposed of.

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Prayer in this petition is for grant of regular bail in FIR No.68 dated 07.05.2019 under Sections 379-B, 34 IPC, registered at Police Station Chheharta, District Amritsar.

Learned counsel for the petitioners submits that as per allegations

in the FIR, which was registered on 07.05.2019, on a complaint given by one Rajesh Kumar @ Sonu, it is stated that he is working as Cashier in a private company and after collecting the cash of Rs.5,56,972/-, he was coming back on a scooter. He was intercepted by a person. When he stopped the scooter, another person came on the motorcycle, which was not having any number and they snatched the bag and ran away. It is further submitted that the petitioners were arrested in FIR No.142 of 2020 and were nominated in the present FIR, after one of the co-accused, who was also arrested in another FIR, made a disclosure statement in this regard. It is also submitted that the petitioners were already in judicial custody, when they were nominated in the present FIR and no recovery was effected from them.

Learned counsel for the petitioners has further submitted that the petitioners are in custody since 24.11.2020; challan has already been presented and they are no more required for custodial interrogation. It is next submitted that FIR No.142 already stands quashed on the basis of compromise by this Court vide order dated 11.02.2021 passed in CRM-M-35273-2020, therefore, the petitioners are not facing trial in any other case, except the present FIR.

Learned State counsel has filed the affidavit of Assistant Commissioner of Police, West, Amritsar City, in which is stated that co-accused Shamsher Singh @ Shera suffered a disclosure statement, after his arrest in another FIR and thereafter, the petitioners were nominated in the present FIR. It is submitted that as per identification memo, the complainant has identified all the accused persons, however, it is not disputed that challan has

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already been presented and FIR No.142 already stands quashed. It is further submitted that charges are yet to be framed and recovery of the pistol was effected from co-accused Shamsheer Singh @ Shera in another FIR.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that FIR No.142 already stands quashed and also in view of the fact that the petitioners were nominated on the basis of disclosure statement of co-accused, who was arrested in another FIR and also considering the fact that the petitioners are in custody for the last more than 07 months and charges are yet to be framed, this petition is allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

29.06.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No