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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 12.07.2021

1. CRM-17903-2021 in/and
CRM-M-4946-2021

Gurwinder Singh @ Rahul
Vs.
State of Punjab

...Applicant/Petitioner

.....Respondent

AND

2. CRM-17856-2021 in/and
CRM-M-4594-2021

Shubham Kairpal @ Goshat

...Applicant/Petitioner

Vs.
State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Chandan Singh Rana, Advocate for applicant-petitioner(s).

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-17903-2021 and
CRM-17856-2021

The instant applications are for pre-poning the date of hearing
of the main petitions to an early date.

Notice in the applications.

At this stage, Mr. Ramandeep Sandhu, Sr. DAG, Punjab,
accepts notice on behalf of the respondent-State and does not oppose the
prayer.

Applications are allowed and the date of hearing is pre-poned
to today itself.

CRM-M-4946-2021 and
CRM-M-4594-2021

Petitioners have filed these separate petitions under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.202 dated 11.12.2020, registered under Sections 399/402 IPC, 1860, at Police Station Tibba, District Ludhiana. The petitioners are in custody since their arrest on 11.12.2020 respectively.

The FIR was registered on the basis of secret information and the allegations noticed by the Addl. Sessions Judge, Ludhiana in the order dated 15.01.2021, while declining the bail application(s) of petitioner(s), read as under:

“The FIR in the present case has been registered on receipt of secret information by ASI Jagdish Rai when he was present at Mohalla Star City Colony, Near Gaushala, Tibba Road, Ludhiana alongwith other police officials in connection with patrolling duty. The secret information was received against the applicant and others regarding their indulgence in committing snatching by making a gang. The secret information further revealed that on the said date i.e. 11.12.2020 the applicant and other are named with deadly weapons and are present near unoccupied house at the back of Shankar Colony and they are planning to conduct a dacoity in a house belonging to a rich person. In case, the raid is conducted, the applicant and others can be apprehended. On the secret information a ruqa was sent and the present FIR was registered. The police party conducted the raid and the applicant and others were apprehended.”

Learned counsel for the petitioner(s) has argued that the co-accused of the petitioners, namely, Sanjay Kumar @ Teda, who is similarly situated, has been extended the concession of regular bail by the trial Court vide order dated 07.07.2021. According to him, the investigation of the case is complete and even charges have been framed on 15.04.2021, but as no prosecution witness has been examined so far, therefore, the petitioners be also released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Gurdev Singh, does not dispute this fact that the co-accused of the petitioners has been released on bail, but has opposed the prayer on the ground that the petitioners are involved in another case of similar nature. In this regard, he has produced their custody certificates.

After hearing the learned counsel for the parties, this Court finds that after completion of investigation of the case, the charges have been framed on 15.04.2021, but the trial is yet to commence. Since in all, there are seven prosecution witnesses to be examined in the above case, therefore, it is evident that the conclusion of trial would take considerable time and as the co-accused of the petitioners has been released on regular bail, this Court finds that the petitioners also deserves the concession of regular bail. Thus, the further detention of the petitioners behind the bars may not be necessary for any useful purpose, who are presently confined in judicial custody after their arrest on 11.12.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, the petitions are allowed and it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, concerned.

Petitions are allowed.

12.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE