

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

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CRM-M No.11509-2021

Date of decision:18.03.2021

Angrej Singh @ Ginnu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rahul Rampal, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.111, dated 17.06.2020 registered under Sections 307, 379-B, 324, 323, 34 of IPC, 1860 (Sections 326, 332, 333, 427, 341, 201 IPC were added later on) at Police Station Sadar Shri Muktsar Sahib, District Shri Muktsar Sahib.

FIR has been registered on the statement of a Punjab Home Guard, Jagsir Singh, wherein he alleged that on 17.06.2020 at about 1:30 a.m. when he was returning home from his duty, he was waylaid by three unknown persons with muffled faces, who were in the age group of 25-30 years. They hit him with kappa and baseball, snatched his purse containing cash of Rs.8,000/-, Identity Card, some documents, two rings and one mobile phone. Investigation was conducted and the petitioner was arrested on 22.06.2020.

Counsel for the petitioner has contended that the petitioner has been falsely framed in the case on the basis of the supplementary statement of the complainant, which was recorded four days later. He submits that the petitioner was not present at the spot and the supplementary statement is an after thought. Counsel submits that the investigation is complete; challan has been presented; charges have been framed and the prosecution evidence is yet to start. According to the counsel, the petitioner is in incarceration for the last more than 8 months and has a clean past, therefore, he deserves to be released on bail. He has relied on order dated 22.12.2020, Annexure P-2 whereby co-accused has been granted bail by this Court.

Per contra, learned State counsel upon instructions from ASI Rajbir Singh, submits that one kappa, blood stained clothes, besides stolen mobile and motorcycle were recovered from the petitioner, who had inflicted injury with a kappa on the head of the petitioner, which has been declared to be dangerous to life. As per his instructions, petitioner along with other two co-accused have been seen in the CCTV footage when they reached Civil Hospital, Muktsar Sahib for treatment of co-accused, Karan, who received injury with kappa of the co-accused, during the incident. It is his contention that the petitioner had actively participated in the occurrence. As per his instructions, challan has been presented on 19.07.2020 and charge has been framed on 19.01.2021, though none out of 22 prosecution witnesses have been examined. He has filed custody certificate dated 17.03.2021, which is taken on record.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegations, gravity of offence and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

18.03.2021

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No