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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-32792-2021 in/and
CRM-M-17374-2021
Date of Decision: 06.10.2021

Gursewak Singh
Vs.
State of Punjab

.. Applicant/Petitioner

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Anil Kumar, Advocate for applicant-petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)
CRM-32792-2021

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

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

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-17374-2021

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.167 dated 26.11.2020 registered under Section 399 and 402 IPC, 1860 and Sections 25-54-59 Arms Act, at Police Station Mukerian, District Hoshiarpur. The petitioner is in custody since 26.11.2020.

The FIR was registered on the basis of secret information and the allegations as noticed by the Addl. Sessions Judge, Hoshiarpur in the order dated 08.01.2021 are as under:

“As per the facts of the case, on 26.11.2020 SI Balwinder Singh, SHO of Police Station Mukerian alongwith other police officials was present at Mata Rani Chowk, Mukerian in connection with patrolling and checking of suspects, where Inspector Pritpal Singh alongwith his police party met them. Inspector Pritpal Singh disclosed about the secret information received by them that accused Gursewak Singh, Gurmej Singh, Jobanpreet Singh alias Joban, Sherpreet Singh and Gurjeet Singh, who are of bad character, are roaming in the area of Mukerian for the last 2-3 days in Accent car bearing registration No.PB-02-DC-0671. By parking their car in the area of Mansoorpur road at a tubewell motor, they are making preparations to commit dacoity in a bank or ATM and if immediate raid is conducted they can be apprehended alongwith illegal arms and ammunition. Accordingly FIR was registered and raid was conducted at the abovesaid place, where accused Jobanpreet Singh was apprehended and from his possession one country made pistol of 315 bore alongwith one live cartridge were recovered. From accused Gursewak Singh one country made 32 bore revolver and two live cartridges of the same bore, from accused Gurmej Singh one live cartridge of 32 bore, from accused Sherpreet Singh one country made pistol of 315 bore alongwith one live cartridge and from accused Gurjeet Singh one live cartridge 32 bore, one live cartridge 7.62 bore was recovered. Jobanpreet Singh also got recovered one Datar, Kirpan and number plate having number PB-35-H-7692 from the dickey of stolen Accent Car bearing registration No.PB-02-DC-0671 at that time, regarding which case was already registered”

Learned counsel for the petitioner has argued that the petitioner along with others were arrested on a secret information for the alleged offence of preparation of dacoity, and as per said information, the petitioner and his accomplices were planning either to commit a bank dacoity or to loot an ATM machine. According to him, the information is vague and uncertain. He submits that the investigation of the case is complete, but the trial is yet to commence, therefore, the petitioner be released on bail.

The prayer is opposed by learned State counsel assisted by SI Gurdeep Singh, who has argued that a country made pistol was recovered from the petitioner and according to him, the petitioner is involved in two other cases bearing FIR Nos.271 dated 15.11.2020 and 155 dated 12.11.2020 respectively. In this regard, he has produced his custody certificate by way of affidavit of Hemant Sharma, PPS, Additional Superintendent Central Jail, Kapurthala. He, on instructions further states that the charges were framed on 06.09.2021 and only one prosecution witness has been examined out of total 13 prosecution witnesses.

At this stage, learned counsel for the petitioner has pointed out that in other two cases mentioned in the custody certificate, the petitioner has been falsely implicated after his arrest in the present case.

After hearing the learned counsel for the parties, this Court finds that the charges were framed on 06.09.2021 and only one prosecution witness has been examined out of total thirteen prosecution witnesses, therefore, it is evident that the conclusion of trial would take considerable time. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 26.11.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Hoshiarpur.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

06.10.2021
Jasmine Kaur