

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

**CRM-M-23825-2021 (O&M)
Date of decision: 01.12.2021**

Amanpreet Singh @ Rinka

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.66 dated 16.09.2018 under Section 395 IPC and Section 25 of Arms Act (Sections 450, 397, 307, 412, 411 IPC and Section 27/54/59 of Arms Act were added later on), registered at Police Station 'D' Division, District Police Commissionerate Amritsar.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of one Manoj Kumar, he is running a jewelry shop and two young persons came to his shop and asked his Salesman to show one gold kara and a gold chain. In the meantime, 4-5 persons entered the shop and took out pistols and removed the DVR of CCTV and took away gold

ornaments. It is further submitted that the petitioner is in custody since 20.11.2018 and statement of complainant Manoj Kumar, who appeared as PW3, has been recorded. In examination-in-chief, he denied that the petitioner has committed the dacoity in his shop, as he refused to identify any of the accused person. This witness was declared hostile and even denied having made any statement to the police. In cross-examination, this witness stated that accused present in the Court through video conferencing are seen by him for the first time.

Learned counsel has further submitted that statement of father of the complainant Prem Kumar, who appeared as PW2, has already been recorded. It is also submitted that PW4 Maninder Singh, Salesman, whose name is mentioned in the FIR, has also not identified the accused persons. This witness was also declared hostile by the Public Prosecutor and in cross-examination, he stated that he can identify the persons, who had committed the offence, but the persons appearing through video conferencing are not those persons.

It is further submitted that complainant/PW3 Manoj Kumar as well as PW4 Maninder Singh have not supported the prosecution version and they have been declared hostile and considering long custody of the petitioner, he may be granted the concession of regular bail.

Learned State counsel has not disputed the factual position, however, on the basis of short reply by way of affidavit of Assistant Commissioner of Police (Licensing & Security), Amritsar City, having Additional Charge of Central Zone, Amritsar City and the custody certificate,

has submitted that the petitioner is involved in number of other FIRs, in which he is facing trial and out of total 42 prosecution witnesses, only 05 PWs have been examined and both the star witnesses have not supported the prosecution version.

Without commenting anything on merits of the case, considering the aforesaid facts and circumstances of the case and also in view of the fact that the petitioner is in custody for the last about 03 years and out of total 42 prosecution witnesses, only 05 PWs have been examined so far, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail bonds and two heavy sureties, out of which one should be local surety, to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

01.12.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No