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

CRM-M-20170-2020

Date of Decision: 13.01.2021

Gurlal Singh @ Gora**.. Petitioner****Vs.****State of Punjab****..Respondent****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, Asstt. A.G, Punjab.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.168 dated 02.12.2018 registered under Sections 379-B, 342, 482 and 411 IPC, 1860 and Section 25 Arms Act, 1959 at Police Station Jaitu, District Faridkot, Punjab. The petitioner is in custody since his arrest on 06.12.2018.

The FIR was registered on the basis of complaint given by Surjan Singh and the allegations as noticed by the Id. Addl. Sessions Judge, Faridkot in the order dated 24.04.2019 are as under:

“Perusal of record reveals that FIR No.168 dated 02.12.2018, under Sections 379-B, 342, 482, 411 IPC and 25 of Arms Act, Police Station Jaitu, was registered against un-known persons at the instance of Surjan Singh, complainant, on the allegations that he is driving the car bearing No.HR-26BV-1940, owned by Ashok Kumar. On 01.12.2018, he took the said car to Taxi stand Kotkapura. At about 5:00 pm., two clean shaven persons, aged about 20/21 yeras came there and requested to hire taxi and matter was settled for a sum of Rs.500/-. The above stated two young men sit in car, whereas one lady aged about 30 years and another young boy aged about 28-30 years, sit at car, from traffic lights chowk, Kotkapura, and at about 5:15 p.m.,

when they were going, lady asked him to slow down car, as she is having pain of stones in her stomach. When they reached at road of Mallan, that lady requested him to stop the car, on the pretext of urinating. He stopped the car. Above stated two young boys gagged his mouth by putting handkerchief on his mouth and blind folded him with lower. He was thrown at the back seat and said two young boys remained seated with him, whereas other boy started driving the car. Lady was sitting besides driver seat. Thereafter throwing him out of car, they all snatched car by captivating him. He was also beaten by the accused. All the accused had also snatched his mobile phone Samsung bearing SIM No.9436-21520. During investigation, accused-applicant along with others were found involved in the occurrence and they were apprehended and recovery of snatched car was effected from them.”

Learned counsel for the petitioner contends that the material witnesses have been examined by the prosecution and the complainant has not supported the prosecution case, who has been declared hostile. He has produced the testimony of complainant Surjan Singh recorded as PW-5 and another witness, namely, Charanjit Singh (PW-9). He contends that the trial is likely to consume considerable time, as still 20 witnesses remain to be examined on behalf of the prosecution. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Sukhbir Singh, who contends that the petitioner has already been convicted for an offence punishable under Section 15(c) NDPS Act. He has produced the custody certificate of the petitioner, which indicates that in the present case, he is behind the bars for more than two years. He, on instructions, states that in all, there are 29 prosecution witnesses and only 9 witnesses have been examined so far.

After hearing the learned counsel for the parties, this Court finds that the complainant Surjan Singh (PW-5) has not supported the prosecution case and was declared hostile. Considering the custodial period

of the petitioner, this Court does not find any reason to further detain him

behind the bars, as the trial is likely to consume considerable time to conclude. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial.

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 Faridkot.

The petition is allowed.

13.01.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No