

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(213)

CRM-M-26108-2021

Date of decision:- 14.07.2021

Kulwinder Singh @ Kinda

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

...

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.38 dated 09.03.2021 under Sections 379-B, 341 and 120-B of the Indian Penal Code, 1860 (Sections 323 and 201 were added later on), registered at Police Station Dharmkot, District Moga, Punjab (Annexure P-1).

FIR (Annexure P-1) has been registered on the statement of Manjit Singh on the allegation that he is working as Assistant Branch Manager with Up Money Pvt. Ltd., a company which provides loans by forming groups of women in the villages. On 05.03.2021, after he had

collected the loan installments, he was way-laid by Principal Singh, Kulwinder Singh @ Kinda (present petitioner), Karan and Paramjit Singh Baba, who came on a Motorcycle. Kulwinder Singh @ Kinda threatened him with a pistol and Paramjit Singh Baba snatched his bag, which contained loan installments of Rs.28,400/- and the other accused physically assaulted him.

Counsel for the petitioner contends that the petitioner has been falsely framed in the FIR as there was some dispute between the parties regarding the collection of the loan amount. He submits that the alleged incident took place on 05.03.2021 within the jurisdiction of Police Station Sadar, Jalalabad, District Fazilka whereas the FIR has been registered four days later at Police Station Dharmkot, District Moga. As per the counsel, investigation qua the petitioner is complete, challan has been presented and the petitioner, who has clean antecedents and is in custody since 22.03.2021, deserves to be enlarged on bail.

Per contra, learned State counsel, upon instructions from ASI Surinder Kumar, has opposed the petition and submitted that petitioner was actively involved in the snatching incident, though no recovery was effected from him. As per his instructions, challan has been presented on 17.05.2021, though the charge is yet to be framed.

Having considered the submissions of the counsel for the the parties, the Court is of the view that the material collected by the prosecution is debatable and in these circumstances the petitioner would be entitled to the grant of benefit of bail during the pendency of the trial.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegations, gravity of offences 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-Kulwinder Singh @ Kinda is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned 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.

(SUVIR SEHGAL)
JUDGE

14.07.2021
Kamal

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