

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(214)

CRM-M-26373-2021
Date of decision:- 19.07.2021

Darshan Singh @ Kala

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sandeep Kumar Bokolia, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, 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.72 dated 26.06.2020 under Sections 382, 411 and 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Faridkot, District Faridkot (Annexure P-1).

As per the version of the prosecution, FIR (Annexure P-1) has been registered on the statement of Kulwinder Singh on the allegation that his car was snatched by three young persons, one of whom was armed with a pistol and the other was carrying an axe.

Counsel for the petitioner has submitted that the petitioner is neither named in the FIR nor any role has been ascribed to him. He submits that few days after the registration of the FIR (Annuxure P-1), another FIR bearing No.78 dated 30.06.2020 was registered on the allegation that a shop has been looted and the petitioner was arrested in connection therewith and thereafter he was involved in the present FIR on the basis of his disclosure statement. He submits that the petitioner has been released on regular bail in the second FIR by the trial Court. In so far as the present FIR is concerned, counsel submits that the investigation qua the petitioner is complete, challan has been presented and the petitioner who is in custody since 13.07.2020, deserves to be enlarged on bail.

Per contra, learned State counsel upon instructions from ASI Sukhdata Pal, has opposed the petition and submitted that the petitioner has been duly identified in the test identification parade and the pistol has been recovered from him. He urges that the second FIR against the petitioner shows that he is a habitual offender. As per his instructions, the challan has been presented on 07.09.2020, though the charge is yet to be framed.

I have considered the rival submissions of the parties.

Considering that the implication of the petitioner is on the basis of his disclosure statement recorded in the second FIR, this Court is prima facie of the view that the petitioner is entitled to the concession of bail.

Keeping in view the above facts and circumstances, nature of allegations, gravity of offences, period of incarceration of the petitioner which by now is more than one year 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-Darshan Singh @ Kala is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

While being released on bail, the petitioner shall furnish an undertaking to the effect that he shall not indulge in any criminal activity. In case, he violates the undertaking, it shall be open to the prosecution to seek cancellation of bail.

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

19.07.2021
Kamal

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