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

1. CRM-M No.34638 of 2021 (O&M)
Date of Decision: 24.09.2021

SURJIT SINGH @ DILLIPetitioner
Vs
STATE OF PUNJABRespondent

2. CRM-M No.34786 of 2021

NACHHATTAR SINGHPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Pushp Jain, Advocate for
Mr. Ivan Singh Khosa, Advocate
for the petitioner in CRM-M-34638-2021.

Mr. Gurbhej Singh, Advocate for
Mr. Ashish Gupta, Advocate
for the petitioner in CRM-M-34786-2021.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CRM-M No.34638 of 2021 and 34786 of 2021 are being decided. Since both the cases have arisen out of same FIR, therefore, facts are being culled out from CRM-M No.34638 of 2021.

Petitioner(s) seeks grant of regular bail under Section

439 Cr.P.C in case bearing FIR No.46 dated 22.04.2021, registered under Sections 379 and 413 IPC (Sections 411 & 473 added later on) at Police Station Bajakhana District Faridkot.

FIR was registered on the basis of secret information to the effect that Nachhatar Singh @ Bhola, Surjit Singh s/o Fagan Singh, Karamjit Singh @ Motu, Gaggi Singh, Jagsir Singh and Janta Singh were habitual of stealing valuable copper and coil etc. from transformers installed in the fields of areas of village Bargari Bajakhana and Jaito. The accused used to sell the same to Sanjeev Kumar @ Ashu Ram. The petitioners along with Sukhjit Singh and Budh Singh were nominated on the basis of disclosure statements of Karamjit Singh @ Motu, who has been granted regular bail vide order dated 22.07.2021 passed in CRM-M No.22857 of 2021. Seven plastic bags containing copper were recovered from the house of Surjit Singh son of Fagan Singh. The FIR was registered under Sections 379, 413, 411 and 473 IPC.

Learned counsel counsel for the petitioner(s) submits that petitioner Surjit Singh @ Dilli son of Nand Singh is not named in the FIR. He has been nominated only on the basis of disclosure statement of Karamjit Singh @ Motu. The FIR was registered against Nacchatar Singh @ Bola, Surjit Singh s/o Fagan Singh, Karamjit Singh @ Motu, Jagsir Singh, Janta Singh and Ashu Ram on the basis of secret information. They were

travelling in the car of Surjit Singh son of Fagan Singh. From the rear seat of the car, one kit consisting of tools was recovered. From the diggy of the car, one plastic bag containing 40 kablas of transformer was recovered.

During interrogation of Karamjit Singh @ Motu, name of the petitioner-Surjit Singh @ Dilli came to be disclosed along with Surjit Singh son of Fagan Singh. On the basis of said disclosure statement, offence under Section 473 IPC was added. Petitioner-Surjit Singh @ Dilli was arrested on 24.09.2021 and seven plastic bags were recovered from the house of Surjit Singh son of Fagan Singh. Jagseer Singh along with Karamjit Singh @ Motu has also been granted regular bail vide common order dated 22.07.2021 passed in CRM-M No.22857 of 2021. Sanjeev Kumar @ Ashu Ram has been granted anticipatory bail vide order dated 28.05.2021 passed in CRM-M No.19652 of 2021.

Case of petitioner-Nachhattar Singh @ Bola is at par with the co-accused namely Jagseer Singh along with Karamjit Singh @ Motu.

Per contra, learned State counsel opposed the bail on the ground that after filing of challan, charges have been framed.

Keeping in view the entirety of facts and circumstances of the case, particularly in the light of bail granted to the co-

accused Jagseer Singh, Karamjit Singh @ Motu and the nomination of the petitioner(s) on the basis of disclosure statement of Karamjit Singh @ Motu and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner(s) on regular bail, without adverting to the merits of the case,

In view of above, both the petitions are allowed. Petitioners are ordered to be released on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case(s).

September 24, 2021

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Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No