

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 231 (2)

CRM-M-35600-2021
Date of decision : 28.10.2021

Sandeep Kumar @ Singh @ Tony

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ashok Giri, Advocate, for the petitioner.
 Ms.Gunkirat Kaur, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.76 dated 03.06.2021, registered under Sections 307, 379-B, 511, 506 and 34 IPC and Section 25 of the Arms Act, 1959 (Sections 307 and 379-B IPC and Section 25 of the Arms Act have been deleted and Sections 392 and 427 IPC added later on) at Police Station Kiratpur Sahib, District Rupnagar.

Briefly stated, the case of the prosecution is that on 02.06.2021 when the complainant alongwith Ravinder Kumar and Kulwant Singh were coming in a car and they reached Crusher Chandpur Zone, the petitioner alongwith his co-accused stopped them. They initially threw stones on their car and then petitioner fired on them. Thereafter, co-accused Akash Bali and Makhan Singh attempted to snatch from the complainant party a bag containing cash.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in this case as he was employed in RKC Company of which the complainant is also an employee; as an ex-employee of RKC Company the petitioner was seeking his unpaid salaries; the petitioner is in custody since 05.06.2021; it is a case of version and cross version; a case has already been lodged by the petitioner's co-accused against the complainant side for offences including Section 307 IPC; investigation in this case is complete and therefore the petitioner is not in a position to influence the same; after inquiry by the police Section 307 IPC and provisions of the Arms Act stand

deleted; this further shows the falsity in the prosecution version; no further recovery is required to be made from the petitioner and that the petitioner's trial which is yet to begin, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has attempted to commit dacoity and if released on bail he may indulge in similar offences.

Whether the petitioner was falsely implicated in this case on account of him claiming his unpaid salaries from the company of which the complainant was also an employee would be debated during the course of the petitioner's trial. The issue as to who was the aggressor would also be gone into. However, the petitioner is in custody since 05.06.2021; investigation in this case is complete and therefore the petitioner is not in a position to influence the same; no further recovery is required to be made from the petitioner; after inquiry by the police Sections 307 and provisions of the Arms Act stand deleted showing that the initial version, as given by the complainant, was not entirely correct and that the petitioner's trial which is yet to begin is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rupnagar the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

28.10.2021
shamsher

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No

[DEEPAK SIBAL]
JUDGE