

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36148-2021

DATE OF DECISION: NOVEMBER 25, 2021

GURMEJ SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. B.S. JASWAL, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.

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.167 dated 26.11.2020, under Section 399/402 IPC and Section 25 Arms Act, Police Station Mukerian, District Hoshiarpur who is in custody since 26.11.2020.

The FIR was registered on the basis of secret information shared by Inspector Pritpal Singh on 26.11.2020 to SI Balwinder Singh, SI/SO of Police Station Mukerian, when he was present alongwith other police officials at Rani Chowk, Mukerian in connection with patrolling and checking of suspects, to the effect that accused Gursewak Singh, Gurmej Singh, Jobanpret Singh @ Joban, Sherpreet Singh and Gurjeet Singh, who were of bad character were roaming in the area of Mukerian for the last 2-3 days in Accent car bearing registration No.PB-02-DC-0671 and while they had parked their car in the area of Mansoorpur road at a tubewell motor, they were making preparations to commit dacoity in a bank or ATM and if immediate raid is conducted they can be apprehended alongwith illegal arms

and ammunition. Accordingly, FIR was registered and raid was conducted at the abovesaid place, where accused Jobanpreet Singh was apprehended and from his possession one country made pistol of .315 bore alongwith one live cartridge were recovered. From accused Gursewak Singh, one country made .32 bore revolver and two live cartridges of the same bore, from accused Gurmej Singh one live cartridge of .32 bore, from accused Sherpreet Singh one country made pistol of .315 bore alongwith one live cartridge and from accused Gurjeet Singh one live cartridge .32 bore, one live cartridge 7.62 bore was recovered. Jobanpreet Singh also got recovered one Datar, Kirpan and number plate having number PB-35-H-7692 from the dickey of stolen Accent Car bearing registration No.PB-02-DC-0671 at that time, regarding which a case was already registered.

Learned counsel for the petitioner has argued that the petitioner alongwith others was arrested on a secret information for the alleged offence of preparation of dacoity, and as per said information, the petitioner and his accomplices were planning either to commit a bank dacoity or to loot an ATM machine. According to him, the information was vague and uncertain. He further submits that charges have been framed and similarly situated co-accused of the petitioner has already been released on regular bail by this Court vide order dated 6.10.2021, passed in CRM-M-17374-2021. Therefore, the petitioner be released on bail.

The prayer is opposed by learned State counsel assisted by SI Subhash Chander, who has argued that one live cartridge of .32 bore was recovered from the petitioner. However, he does not dispute this fact that charges have been framed on 6.9.2021 and similarly situated co-accused of

the petitioner has already been released on bail.

Considering the above background and the fact that similarly situated co-accused has already been released on regular bail, therefore, further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 26.11.2020.

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 concerned.

The petition is allowed.

November 25, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No