

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: October 26, 2021

1. CRM-M-32945-2020

Harchet Singh @ Guri

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-10211-2021

Amrit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms.R.K.Grewal, Advocate,
for the petitioner in CRM-M-32945-2020.

Mr.Paras Jagga, Advocate,
for the petitioner in CRM-M-10211-2021

Mr. Ramdeep Partap, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed separate petitions under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.241 dated 06.12.2019, under Sections 457, 380 and 411 IPC, registered at Police Station, Passiana, District Patiala. Petitioner Harchet Singh alias Guri is in custody since his arrest on 28.12.2019, whereas petitioner Amrit Singh is in custody since 07.01.2020.

The FIR was lodged on the basis of the statement of complainant-Sanjay Kumar, Executive Branch Manager, SBI, Gajjumajra,

wherein it was alleged that on 05.12.2019, amount of Rs.4 lakhs was loaded in the ATM machine installed at one of the shops of Gurudwara Sahib near Gajjumajra Bus Stand and the cash was again loaded in the evening. Thereafter, it was found that shutter of the ATM machine was broken and few unknown persons had taken away cash from the ATM machine. On these allegations, the above FIR for the offences of theft and trespass at night was recorded.

Learned counsel for the petitioners have argued that the alleged offences are triable by Magistrate and though the final report was filed on 15.04.2020 whereupon the charges were framed on 23.12.2020, but till date no prosecution witness has been examined. According to them, the trial is likely to consume considerable time to conclude, therefore, the petitioners be released on regular bail.

On the other hand, learned State counsel, assisted by SI Randhir Singh, has opposed the prayer on the ground that the petitioners are involved in approximately twelve other cases of similar nature. However, it is not disputed that after framing of charges, no prosecution witness has been examined so far out of total eleven witnesses. He, on instructions, further states that a sum of ₹3,85,000/- was recovered from petitioner Harchet Singh @ Guri, however, no recovery was effected from petitioner Amrit Singh.

At this stage, learned counsel for the petitioners have argued that the petitioners were implicated in other cases when they were in custody and their co-accused, namely, Harnek Singh has already been released on regular bail.

After hearing the learned counsel for the parties, considering

the above background, custodial period of the petitioners and the fact that similarly situated co-accused of the petitioner has already been released on regular bail, this court is of the opinion that the further custody of the petitioners may not be necessary for any useful purpose, who are presently confined in judicial custody after their arrest on 28.12.2019 and 07.01.2020. Further, the prosecution is yet to examine its witnesses and it may take considerable time to conclude the trial.

Resultantly, without meaning any expression of opinion on the merits of the case, the petitions are allowed and it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Patiala.

October 26, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No