

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.33699 of 2020 (O&M)
Date of Decision: November 10, 2021

Rajnodh Singh @ Ranjit Singh @ Bhola

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.P.S.Sekhon, Advocate,
for the petitioner.

Mr.Ramdeep Partap Singh, 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.23 dated 25.03.2019, under Sections 397, 382, 458, 342, 427, 506, 201 and 34 IPC, 1860, registered at Police Station, Bakhshiwala, District Patiala, who is in custody since his arrest on 18.04.2020.

The contents of the FIR, as noticed by the Additional Sessions Judge, Patiala in his order dated 16.07.2020 while dismissing the bail application of the petitioner, are as under:-

“As per the prosecution version on 24.3.2019 complainant Hamir Singh alongwith other workers of Ali Filling Station, Village Rakhra, Nabha-Patiala road after completion of their duty were sleeping in the rooms adjoining to the petrol pump. At about 1.00 midnight, two persons with muffled faces armed with kirpans came there and after threatening to kill him and his co-workers, they snatched mobile phone of Gurpiar Singh

and snatched other articles including Rs.7,000/- in cash. So on the statement of complainant, FIR was registered... ”.

Learned counsel for the petitioner has argued that because younger brother of the petitioner died in police custody and on a petition filed by his brother bearing CRM-M-9849-2012, prosecution of police officials was directed by this court, therefore, the police is falsely implicating the petitioner. He submits that in the present case, the petitioner has been indicted as accused on the basis of the disclosure statement made by co-accused Surjit Singh. He has further drawn the attention of the court to the medical record of the petitioner Annexure R-1, which indicates that he is suffering from septic arthritis RT knee and is unable to walk without help. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Baljinder, as according to him, petitioner was involved in the alleged crime, however, it is not disputed that the petitioner is using walker to walk and only two prosecution witnesses have been examined so far. He, on instructions, further states that co-accused of the petitioner, who was juvenile, already stands acquitted.

After hearing the learned counsel for the parties, considering the above background as well as the pace at which the trial is progressing, this court is of the opinion that the possibility of conclusion of trial in near future is extremely bleak. The material witnesses are either the complainant or the police officials and at present there does not seem to be any possibility of their being won over, therefore, the further detention of the petitioner behind the bars would not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner

be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Patiala.

November 10, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No