

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38306-2021 (O&M)
Date of decision: 21.09.2021

Gagandeep Singh @ Gagna @ Bona and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.K. Singla, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to petitioners
Gagandeep Singh @ Gagna @ Bona and Gurcharan Singh @ Charna, in FIR
No.29 dated 02.03.2021 under Sections 399, 402 IPC (Act No.45 of 1860) and
Sections 25/27 of Arms Act, registered at Police Station Baghapurana, District
Moga.

Learned counsel for the petitioners relies upon the order dated
25.08.2021 passed in CRM-M-33551-2021, vide which co-accused of the
petitioner, namely Sukhraj Singh @ Raju Doctor has been granted the
concession of regular bail, by passing the following order: -

“...Learned counsel for the petitioner submits that the FIR was registered on a secret information received by the police that Goga Singh, Gagandeep Singh @ Gagna @ Bona, Gurcharan Singh @ Charna, Sukhwinder Singh @ Soma, Rippy Singh @ Tind, Naginder Singh @ Gori, Satnam Singh @ Kala @ Mota, Ranjit Singh @ Nag @ Faniars, Sukhraj Singh @ Raju Doctor (present petitioner) and Arshdeep Singh @ Arshu are present in an old building near Gurudwara and they are suspicious persons armed with deadly weapons and are planning to commit the offence of snatching, theft and robbery. Upon this, an information was sent to the Police Station for registration of the FIR and raiding party was prepared.

Learned counsel for the petitioner further submits that though the petitioner was named in the FIR, however, he was never arrested at the spot. It is further submitted that petitioner is in judicial custody for the last more than 04 months and one of the co-accused, namely Naginder Singh @ Gori, who was arrested at the spot, has already been granted concession of regular bail by a coordinate Bench this Court, vide order dated 20.08.2021 passed in CRM-M-30018-2021.

Learned State counsel has filed the custody certificate and has not disputed the factual position.”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioners submits that though the

petitioners were arrested at the spot, however, no overt act is attributed to them, except that they were planning to commit the offence. It is further submitted that the petitioners are in custody for the last 06 months and 15 days and they are real brothers and have been falsely implicated.

Learned State counsel, on the basis of custody certificates dated 20.09.2021 of both the petitioners filed in the Court today, has submitted that petitioner No.1 Gagandeep Singh @ Gagna @ Bona is involved in three more FIRs under Sections 379-B/452 IPC and petitioner No.2 Gurcharan Singh @ Charna is also involved in three more FIRs, however, he is on bail.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioners are in custody for the last more than 06 months and conclusion of the trial will take some time, this petition is allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition stands disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

21.09.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No