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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(Through video conferencing)

**CRM-M No.39443 of 2021(O&M)
Date of Decision: 27.09.2021**

Pamma

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Bhupender Beniwal, AAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.283 dated 30.10.2020 registered under Sections 399, 402, 379, 411 IPC at Police Station City Ferozepur.

FIR was registered on the basis of secret information to the effect that Surjeet Singh @ Mangat, Vicky, Gurpreet Singh @ Gori, Shamsher Singh @ Sherry, Pamma (petitioner) and Sunny were preparing to commit dacoity and for that purpose, they were sitting in the bushes near Bajaj Dairy Basti Bhattian

Wali. In pursuance of the secret information, a raid was conducted and they were apprehended. As per disclosure statement of co-accused Vicky recovery of stolen motorcycles of different makes were effected, which were found parked behind the rear wall of the house of Shamsheer Singh @ Sherry.

Learned counsel for the petitioner submits that nothing was overheard by the Police party and the offences under Sections 399/402 IPC are not attracted. At the most, the alleged recovery falls under Section 411 IPC (facts denied altogether) and the recovery would remain debatable. Petitioner is in custody for the last 9 months and 26 days. Challan has already been presented, but no prosecution witness has been examined so far.

Per contra, learned State counsel opposed the bail on the ground that all the accused were apprehended in pursuance of secret information and recoveries have been effected on the basis of disclosure statement of co-accused Vicky. Kappa has been recovered from the petitioner. Petitioner is having antecedent behaviour of criminal activities as he is involved in number of cases. Learned State counsel made reference to the details of cases given in the custody certificate.

Perusal of the custody certificate would show that besides the case in question, the petitioner is on bail in FIR

No.89 dated 12.08.2019 under Sections 379, 411, 483 IPC and under Sections 21, 61, 85 of the NDPS Act at Police Station Mamdot. In FIR No.101 dated 21.04.2021 under Sections 18, 61, 85 of NDPS Act and Sections 353, 186 of the IPC at Police Station City Ferozepur, petitioner is also on bail. In FIR No. 294 dated 25.10.2014 under Sections 356, 379-B and 411 IPC at Police Station City Ferozepur, and in FIR No. 210 dated 31.12.2008 registered under Section 356 IPC at Police Station City Ferozepur, the petitioner has already completed the sentences. In FIR No.348 dated 22.12.2014 under Sections 22, 61, 85 of the NDPS Act at Police Station City Ferozepur, the petitioner has been granted concession of suspended sentence on 19.03.2019.

In the present case, co-accused namely Vicky, Gurpreet Singh @ Gauri and Sunny have been granted regular bail by this Court vide different orders passed in CRM-M No.17921 of 2021, CRM-M No.18641 of 2021 and CRM-M No. 24852 of 2021. The allegations are of preparing to commit dacoity. The alleged kappa has not been used for commission of any dacoity.

According to the learned counsel for the petitioner, offence is not a completed offence and accused have been implicated solely on the basis of alleged conversation, which was never over-heard by the police party.

In view of aforesaid facts and circumstances of the case, at this stage, without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

September 27, 2021

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No