

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

CRM-M-32181-2019 (O&M)

Date of decision: 15.11.2021

Avtar Singh @ Tari

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0043 dated 27.04.2018, registered under Sections 379-B, 34 of the IPC and Sections 25, 27 of the Arms Act, 1959 at Police Station Division B, Amritsar.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered on the statement of complainant/victim Harsimranjit Singh, it is stated that on 26.04.2018, when he was going on motorcycle along with his friend Ranjit Singh, three unknown persons came from the backside who stopped his motorcycle and snatched the said motorcycle on gun point.

Learned counsel further submits that co-accused Akash has already been granted the concession of regular bail by this Court, vide order dated 04.12.2018 passed in CRM-M-45072-2018.

Learned counsel further submits that the petitioner is in judicial

custody for the last 03 years, 03 months and 03 days and the case is still at the stage of recording the evidence of prosecution witnesses.

Learned counsel further submits that the statement of complainant/victim Harsimranjit Singh has already been recorded as PW-1 on 29.01.2019, therefore, there is no possibility for him to tamper with the prosecution evidence at this stage as almost all the prosecution evidence is concluded.

Learned State counsel has filed the custody certificate and has not disputed the factual position, however, it is submitted that petitioner is involved in some other cases also as detailed in the custody certificate and in case the petitioner is released on bail, he may repeat the offence.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the contents of the FIR as well as the statement made by complainant/PW-1 and also in view of the long custody of the petitioner, I find that the custody of the petitioner, i.e. 03 years, 03 months and 03 days, is sufficient to grant him the concession of regular bail as the trial is still at the stage of recording the prosecution evidence and all the private witnesses have already been examined, therefore, there is no possibility of tampering with or influencing the prosecution evidence.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

15.11.2021

Waseem Ansari

*Whether speaking/reasoned
Whether reportable*

(ARVIND SINGH SANGWAN)

JUDGE

*Yes/No
Yes/No*