

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

203

**CRM-M No.39025 of 2020
Date of decision:29.01.2021**

Harjinder Singh @ Jinda

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. P.S. Dhaliwal, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.72, dated 26.06.2020 registered under Sections 382, 411, 34 of IPC, 1860, and Sections 25 of Arms Act, 1959, at Police Station Sadar Faridkot, District Faridkot, Punjab.

Counsel for the petitioner has argued that the allegation against the petitioner are that he along with two other co-accused had waylaid the complainant and stolen his car. Counsel submits that four days after the registration of the above-mentioned FIR, another FIR bearing No.78 dated 30.06.2020 was registered on the allegation that a shop has been looted and co-accused, Darshan Singh, was arrested. Counsel submits that it was on the statement of co-accused, Darshan Singh, the petitioner has been enroped in both the cases. Counsel contends that the disclosure statement of the co-accused recorded in the police custody, is inadmissible in evidence. It is his argument that though the challan has been filed but the charges have not been

framed and the petitioner, who is in custody since 13.07.2020 deserves to be enlarged on bail. He has further submitted that he is on bail in the second FIR.

Per contra, learned State counsel upon instructions from ASI Sukhdaata Pal has opposed the petition. He has filed custody certificate dated 28.01.2021, which is taken on record. As per his instructions, recovery of a toy pistol and stolen car has been effected from the petitioner in the second FIR and the petitioner has been duly identified by the complainant in a test identification parade conducting before the Judicial Magistrate. He submits that the challan was presented on 07.09.2020, 15 witnesses have been named therein but the charges are yet to be framed.

I have considered the rival submissions of the parties.

As the petitioner is alleged to be involved in the crime on the basis of the disclosure statement of a co-accused, his complicity is debatable.

Keeping in view the above facts and circumstances, nature of allegation, gravity of offence and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Henceforth, in case, the petitioner is found to be involved in any criminal activity, liberty is granted to the prosecution agency to seek cancellation of his bail.

29.01.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No