

241

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.2357 of 2022 (O&M)

Date of decision: 21.07.2022

Kikkar Singh Sahota

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Bhupinder Ghai, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.177 dated 30.07.014, for offence punishable under Sections 380, 457, 120-B of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station City Moga, District Moga.

The earlier one was dismissed as withdrawn on 09.11.2021.

Counsel for the petitioner has argued that the new ground for filing this 2nd petition is that the petitioner is in long custody of more than 01 year and 01 month and out of 18 PWs, only 02 PWs have been examined.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of one Sukhdev Singh, who was working as a Watchman on an ATM machine and reported that

someone with the help of a gas cutter has stolen the money from ICICI Bank ATM machine. Thereafter, the police arrested Balkar Singh, Jagseer Singh @ Happy, Bohar Singh @ Bohra, Sukha @ Bassi, Malkit Singh, Nima Singh and Kikkar Singh. After the arrest of the aforesaid persons, the petitioner was nominated in the case one of the person, who was also accompanying them.

Counsel for the petitioner has further submitted that, in fact, the petitioner was arrested in another FIR No.307 along with other accused and from there, he was taken on production warrants to the Police Station in the present case where his arrest was shown. It is also argued that subsequent to his arrest in the present FIR, no recovery of any currency was effected from him.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in 03 more FIRs of similar nature, though, he is on bail and on the basis of the disclosure statement of the co-accused in another case, the petitioner was arrested in the present case.

In reply, counsel for the petitioner argued that in one of the FIR, the petitioner was granted anticipatory bail as no evidence has come against him. It is also submitted that it will be a matter of trial whether the disclosure statement of the other co-accused is admissible against the petitioner or not.

Counsel for the State has, however, admitted the fact that the petitioner is in custody for the last 01 year and 01 month and out of 18 PWs, only 02 PWs have been examined, so far.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than 01 year and 01 month; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time as out of 18 PWs, only 02 PWs have been examined so far, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

21.07.2022

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No