

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. **CRM-M-3322-2022**

DATE OF DECISION: APRIL 6, 2022

GURPREET SINGH ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

2. **CRM-M-3572-2022**

SAIF ALI ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ADITYA PRATAP SINGH, ADVOCATE
FOR THE PETITIONER IN CRM-M-3322-2022.

MR. DINESH MAHAJAN, ADVOCATE
FOR THE PETITIONER IN CRM-M-3572-2022.

MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioners have filed these separate petitions under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.0143 dated 24.11.2021, under Section 468, 471 IPC and Section 25 Arms Act, Police Station Sadar Pathankot, District Pathankot, who are in custody since their arrest on 1.12.2021 and 7.12.2021, respectively.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge-I, Pathankot, in the order dated 3.1.2022, are as under:-

“Brief facts of the case are that FIR was registered on the statement of SI Jagdish Kumar to the effect that on

21.11.2021 at about 11.00 p.m. he received an information that one Car make I-20 bearing plate no. No.PB-10-GJ-6781 on front side and on the back side bearing plate no. PB-10-GL-6781 was standing under the bridge of Jakholahri. Inquiry was made from RTO Ludhiana and it came to know that both the above said numbers are fake. On the search of the Car, one 9 MM live cartridge and one slip of doctor were recovered and on the slip, name of Amrinder Singh was written and the said said was issued by Mind Care Hospital New Delhi on 05.11.2021.”

Learned counsel for the petitioners have argued that in the present case, the petitioners have been falsely implicated for allegedly using a forged number plate on a vehicle, whereas previously FIR No.110 dated 29.10.2021, already stands registered under Section 379-B IPC and Section 25/54/59 Arms Act, Police Station Shri Hargobindpur for snatching of the said vehicle. Learned counsel have further pointed out that the present FIR No.143 dated 24.11.2021 relates to recovery of vehicle with forged number plates and subsequently, the petitioners have been indicted in both the cases. They have argued that the investigation of the case is complete, therefore, petitioners be released on bail.

On the other hand, learned State counsel assisted by ASI Balwinder Kumar while opposing the prayer has argued that the petitioners are involved in other cases and in this regard, he has filed their custody certificates by way of affidavit of Rajinder Singh Hundal, Superintendent Central Jail, Gurdaspur. Reply by way of affidavit of Jagdish Raj, PPS, Deputy Superintendent of Police, Sub Division Rural Pathankot, Pathankot

has been filed on behalf of the State wherein it has been stated that challan in the present case against the petitioners, stands filed on 28.2.2022. Learned State counsel does not dispute the fact that the vehicle involved in this case is the subject matter of FIR No.110 dated 29.10.2021.

After hearing learned counsel for the parties, considering the above background, custody of the petitioners, and the fact that final report has been filed, but charges are yet to be framed, further detention of the petitioners may not be necessary for any useful purpose, as the case pertains to offences triable by the Magistrate and would take considerable time to conclude. Further, the witnesses are either complainant or the police officials and at present there does not seem any possibility of their being won-over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above cases, subject to their furnishing requisite respective bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petitions are allowed.

April 6, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No