

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRM-M-3796-2022

Date of decision : 03.02.2022

Gurpreet Singh @ Sandhu and anotherPetitioners

VERSUS

State of PunjabRespondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Surinder Garg, Advocate, for the petitioners.

Ms. A.K.Khurana, DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The petitioners have approached this Court for seeking regular bail under Section 439 Cr.P.C., in case FIR No.165 dated 19.08.2021, under Sections 379-B/382/506/34/411/201 IPC (Sections 411/201 IPC has been added later on) registered at Police Station Sadar Faridkot, District Faridkot.

Learned counsel appearing on behalf of petitioners *inter alia* contends that the role attributed in the FIR is that the petitioners had caught hold of complainant's arm where the third accused namely Arpinder Singh @ Rinku threatened the complainant. It is alleged that the petitioners had forcibly taken out Rs.1800/- from the pocket of complainant and fled by way of the scooty. It is further contended that the investigation in the matter is complete and the trial has begun. While appearing as prosecution

witness, the complainant has not supported the prosecution case and has resiled from the statement. A copy of his deposition recorded before the Additional Sessions Judge, Faridkot on 10.01.2022 is attached as Annexure P-1. Learned counsel further contends that petitioners are in custody since 19th August, 2021 and their further incarceration is unwarranted.

Ms. A.K.Khurana, DAG, Punjab, does not controvert the fact that prosecution witness-complainant has not supported the prosecution case while appearing in Court. It is also not disputed by her that the petitioners are in custody since 19th August, 2021. It is stated that out of total 13 witnesses, only 1 witness has been examined and the remaining witnesses are yet to be examined before the Court.

Without commenting on the merits of the case and considering the custody period of the petitioners as well as deposition made by the complainant as PW-1 not supporting the case of prosecution, I deem it appropriate to enlarge the petitioners on bail to the satisfaction of the trial Court.

The petitioners are ordered to be released on bail on their furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, Faridkot.

Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

03.02.2022
anil

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>