

**288 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-4583-2022

Date of decision : July 12, 2022

Komalpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

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

Present:- Mr. Achin Gupta, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.154, dated 13.08.2021, under Sections 399, 402 and 482 IPC (Section 411 IPC added later on), registered at Police Station Sadar Faridkot, District Faridkot.

A perusal of the FIR shows that the same has been registered against Dilpreet Singh @ Manti, Yodha Singh, Seepa Singh @ Peetu, Komal Singh (petitioner herein), Rajan Singh and Babbu Maan @ Babba for the commission of the offences mentioned above on the basis of a secret information received on 13.08.2021. As per the said FIR, an information was received that the abovesaid persons, who are habitual of robbing the travellers of car after causing injuries to them at night are planing to rob the travellers/passengers in a snatched ALTO car bearing a false registration number plate and alleged to be armed with deadly weapons. A *naka* was thereafter made and four persons are stated to have been arrested from the spot.

Learned counsel appearing on behalf of the petitioner contends that the only attribution to the petitioner is that he was named in the secret information, however, he was never arrested from the spot. He further contends that the petitioner was taken into custody on 16.08.2021 and he was committed to judicial custody on 17.08.2021. Even during the course of the police remand, no incriminating evidence other than the stolen motorcycle was recovered from the possession or at the disclosure of the petitioner. It is pointed out that the investigation in the case is complete, however, no witness has been examined so far. He further submits that the petitioner was also nominated as an accused in other case bearing FIR No.186, dated 11.08.2021, registered under Section 379 IPC at Police Station City Kotakpura and FIR No.184, dated 09.08.2021, registered under Section 61 of the Punjab Excise Act, 1914 at Police Station City Kotakpura. He also contends that the petitioner has already been granted concession of regular bail in the offence registered against him vide FIR No.186, dated 11.08.2021, registered under Section 379 at Police Station City Kotakpura, District Faridkot, after the notice of the present FIR as well and on the strength of the custody of six months undergone by the petitioner in CRM-M No.6622 of 2022, titled as ***“Komalpreet Singh vs State of Punjab”***, decided on 22.02.2022.

Learned counsel appearing on behalf of the State has, however, submitted that the petitioner is involved in other case under Section 379 IPC, which shows that he is a habitual offender. She further contends that a motorcycle was recovered at the disclosure of the petitioner and that the said motorcycle was a stolen motorcycle. She, however, could not

controvert the fact that the petitioner is in judicial custody since 17.08.2021 and that no prosecution witness has been examined. It is also not controverted by her that the motorcycle in question has not been used in the commission of offence of that party and would *ex facie* falls under Section 411 IPC. It is also not disputed by her that the petitioner has already been granted concession of regular bail in the other FIR that had been registered against him, by this Court, vide order dated 22.02.2022. Further, she concedes that no prosecution witness has been examined so far.

Heard learned counsel for the parties and have perused the material on record.

Without commenting upon the merits of the case, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

July 12, 2022
sarita

Whether speaking / reasoned
Whether Reportable:

Yes / No
Yes / No