

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-6867-2021 (O&M)

Darshan Singh ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-17147-2021 (O&M)

Babbu ... Petitioner

Versus

State of Punjab ... Respondent

III) CRM-M-19031-2021 (O&M)

Balwinder Singh @ Ghanti ... Petitioner

Versus

State of Punjab ... Respondent

IV) CRM-M-24484-2021 (O&M)

Kamaldeep Singh ... Petitioner

Versus

State of Punjab ... Respondent

(2)

CRM-M-6867-2021 (O&M);
CRM-M-17147-2021 (O&M);
CRM-M-19031-2021 (O&M);
CRM-M-24484-2021 (O&M) &
CRM-M-31039-2021 (O&M)

V)

CRM-M-31039-2021 (O&M)

Gurwinder Singh @ Gobinda

... Petitioner

Versus

State of Punjab

... Respondent

Date of Decision:-11.2.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jaspreet Singh Brar, Advocate
for the petitioner in CRM-M-6867-2021.

Mr. Gurmeet Singh Saini, Advocate
for the petitioner in CRM-M-17147-2021.

Mr. Lakhwinder Singh, Advocate,
for the petitioner(s) in CRM-M-19031-2021 and
in CRM-M-31039-2021.

Mr. Rajvinder Singh Bains, Senior Advocate with
Ms. Aarushi Garg, Advocate
for the petitioner in CRM-M-24484-2021.

Mr. M.S. Dullat, Addl.A.G., Punjab,
assisted by ASI Balwinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned five petitions filed on behalf of petitioners Darshan Singh, Babbu, Balwinder Singh @ Ghanti, Kamaldeep

Singh and Gurwinder Singh @ Gobinda seeking grant of regular bail in respect of a case registered vide FIR No.61 dated 4.6.2020 at Police Station Sadar Faridkot, District Faridkot under Section 395 of Indian Penal Code and Section 25 of Arms Act, wherein offences under Section 201 IPC was added later on.

2. The FIR was lodged at the instance of Nipar Mittal, Branch Manager, Indusind Bank, Village Tehna. It is alleged that on 4.6.2020 at about 01:10 p.m., 4 young boys entered into the bank out of which 3 were wearing masks. Another person was sitting outside in a Honda City Car. Two of the persons, who had entered into the bank, were carrying pistols and the 3rd one was carrying a big gun. One of them was also carrying a sword and who hit the Peon Veer Singh with the same and also gave two blows with the same to the complainant. It is alleged that the said persons locked Veer Singh, Peon in bathroom and while brandishing pistols, they looted an amount of ₹3,43,050/- and while leaving they also took away the mobile phones of complainant, Veer Singh and of Varinder Kaur and also took away a gold chain and a gold ring of Varinder Kaur.
3. Learned counsel for the petitioners have submitted that no one is named in the FIR and that the accused came to be falsely nominated after about 4 days of the alleged occurrence when they were arrested in connection with another case i.e. FIR No.58 dated 8.6.2020 registered at Police Station Kot Ise Khan, under Sections 399, 402 of Indian Penal Code and Sections 25/54/59 of Arms Act, wherein allegations are broadly to the effect that the accused were preparing to commit some dacoity.

4. Learned counsel for the petitioners further submit that the prosecution mainly relies upon the disclosure statements allegedly made by the accused, after they were arrested in the other case i.e. in FIR No.58 dated 8.6.2020. Learned counsel for the petitioners submit that infact the complainant and one eye-witness have already been examined and they have not even identified all the accused, which clearly shows that the accused have been falsely implicated.
5. On the other hand, learned State counsel has submitted that since it is a case where the accused virtually confessed their guilt and pursuant to their disclosure statements, one of them has got recovered an amount of ₹30,000/- while another has got recovered a motorcycle, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioners as on date have been behind bars for the last approximately 1 year and 7 months and that while petitioners Darshan Singh, Babbu and Kamaldeep Singh are involved in 1 cases each, petitioner Gurwinder Singh @ Gobinda stands involved in 4 cases and petitioner Balwinder Singh @ Ghanti stands involved in 3 cases. It has also been informed that as on date only 3 out of the cited 35 PWs have been examined.
6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that none of the accused is named in the FIR and they have sought to be nominated on the basis of their disclosure statements. In any case, without commenting anything as regards veracity of the disclosure statements or as regards merits of the case, this Court finds that the accused have been behind bars for a substantial period of 1 year and 7 months.

(5)

*CRM-M-6867-2021 (O&M);
CRM-M-17147-2021 (O&M);
CRM-M-19031-2021 (O&M);
CRM-M-24484-2021 (O&M) &
CRM-M-31039-2021 (O&M)*

Conclusion of trial is likely to consume time as till date only 3 out of the cited 35 PWs have been examined. In these circumstances, further detention of the petitioners will not serve any useful purpose. All the five petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. A photocopy of this order be placed on the file of each connected case.

11.2.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No