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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 22.04.2022

1. CRM-M-6583-2022 (O&M)

Avneet Singh @ Babbi

....Petitioner

Vs.

State of Punjab

...Respondent

2. CRM-M-15443-2022

Vikasdeep Singh @ Vikas

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Karandeep S.Sidhu, Advocate for the petitioner.
in CRM-M-6583-2022.
Mr. K.S.Brar, Advocate for the petitioner.
in CRM-M-15443-2022.
Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

CRM-14493-2022

This application has been filed under Section 482 Cr.P.C for addition of Sections 379-B, 336 and 411 IPC in the head note as well as in the prayer clause of the main petition.

Notice of the application to respondent-State.

At this stage, Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab accepts notice on behalf of respondent-State and does not oppose the prayer.

For the reasons mentioned in the application, the same is allowed. Let the necessary correction be made at appropriate places.

CRM-14494-2022

Application is allowed as prayed for.

Annexures P-13 and P-14 are taken on record.

Main case

Petitioners have filed these separate petitions under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.84 dated 05.07.2020 under Section 382 Indian Penal Code, 1860 and Sections 25, 27, 54 and 59 Arms Act, 1959 (Sections 379-B, 336 and 411 IPC added later on) registered at Police Station Jaito, District Faridkot, who were arrested on 20.08.2020.

The contents of the FIR as noticed by the Additional Sessions Judge, Faridkot in his order dated 02.12.2020 (in CRM-M-6583-2022) are as under:-

“Perusal of record reveals that on 5.7.2020, Surjan Singh son of Sarnam Singh, complainant, suffered a statement before the police that he is working as sales man with Prince Kisan Sewa Center, Ramuwala Muktsar Road, Jaitu, from the last 7-8 years. He and Jasvir Singh were present on their petrol pump. At about 4:15 PM, one Honda City Car white in colour, came from Jaitu side and stopped on their petrol pump for filling petrol. When he was to open the lid of petrol tank for filling the petrol, unknown persons, aged about 25-30 years, came out of Car. One person caught hold the collar of his shirt and another person put pistol on his left shoulder and they after threatening him, took out Rs.4000-5000/- approximately, from his pockets. When he raised noise, his colleague Jasvir Singh came at the spot. In the mean time, one person shot fire in the air and asked him to bring more money from the office, but he replied that they have no more money with them. In the mean time, said persons fled away towards Muktsar side, by sitting in their Car. He prayed for taking action against said persons who were riding in the Car, for snatching money from him and threatening him by firing shots in the air. On the basis of said statement, present FIR was registered against unknown persons for offence under Sections 382 IPC and 25 of Arms Act.”

Learned counsel for the petitioners have argued that petitioners were implicated falsely on the basis of their own disclosure and after commencement of trial, the material witness i.e. complainant, namely,

Surjan Singh (PW-1), while testifying before the Court has not supported the prosecution case and was declared hostile. According to them, the other eye witness, namely, Jasvir Singh (PW-2) has also been examined, therefore, the petitioners be released on regular bail.

On the other hand, learned State counsel assisted by ASI Sukhwinder Singh while opposing the prayer has referred to the respective custody certificates of the petitioners to contend that they are involved in various other cases, however, it is not disputed that the complainant-Surjan Singh (PW-1) and eye witness, namely, Jasvir Singh (PW-2) have been examined. He on instructions further states that the case is now fixed for 28.04.2022 for recording the remaining prosecution evidence before the trial Court.

Considering the above background, custody of the petitioners, and the fact that the material witnesses have been examined, this Court is of the opinion that as the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose, who are presently confined in judicial custody after their arrest.

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

The petitions are allowed.

22.04.2022

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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No