

236

Date of Decision: 24.02.2022

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. G.S.Bawa, Advocate, for the petitioner.

Mr. M.S.Dullat, Addl. AG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.178 dated 23.07.2021 at Police Station Sadar Amritsar, District Police Commissionerate, Amritsar, under Sections 392/419/379/411/452/201/120-B/34 IPC.
2. The FIR was lodged at the instance of Jatinderpal @ Babbu, wherein it is alleged that he is having a shop at Majitha Road, Amritsar and sells plywood. On 23.07.2021, when he alongwith his son Shivampal came to their house at about 1:30 PM to have lunch and opened the door of the house, 3 persons with muffled faces came out of their house and who brandish a knife and ran away from the spot on a motor-cycle. It is alleged that he came to know from his wife Komal Pal and mother Santosh that the said 3 persons had entered into their house by showing

some identity cards of Bank and had forcibly snatched an amount of Rs.2 lakhs and a mobile phone while pointing a knife at them.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated on the basis of a disclosure statement made by co-accused Jaswant Singh, who himself came to be nominated by another co-accused Lovepreet Singh. Learned counsel has further submitted that the petitioner, in any case, has been behind bars for a substantial period of more than 6 months and since challan already stands presented, he deserves the concession of bail.
4. Learned State counsel has opposed the petition on the ground that the petitioner stands involved in one more case under IPC and as such, there is likelihood that in case granted bail, he may intimidate witnesses. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 6 ½ months and that challan already stands presented. It has also been informed that as on date, no PW out of cited 16 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner has been nominated on the basis of a disclosure statement, the admissibility and veracity of which would be debatable. In any case, without commenting any further on the merits of the case, but while noticing that the petitioner has been behind bars for a substantial period of more than 6 months and challan already stands presented, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time inasmuch as the trial has not commenced till date. The petition, as such, is accepted and

the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.02.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**