

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

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CRM-M-8306-2022

Date of Decision: 14.10.2022

Kuldeep Singh @ Poohla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Harmanjeet Singh Sandhu, Advocate,
for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by SI Yadvinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.61 dated 04.06.2020 at Police Station Sadar Faridkot, District Faridkot, under Sections 395 IPC and Section 25 of the Arms Act (Section 201 IPC added later on).
2. The FIR was lodged at the instance of Nipar Mittal, Branch Manager, Indusind Bank, Village Tehna, wherein 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 Rs.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 petitioner has submitted that the petitioner is not named in the FIR and that the petitioner came to be falsely nominated after about 4 days of the alleged occurrence when he was 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. It has further been submitted that petitioner in any case has been behind bars since the last more than 2 years and since conclusion of trial is likely to consume time, the petitioner deserves the concession of bail. It has also been submitted that since co-accused, namely, Darshan Singh, Babbu, Balwinder Singh, Kamaldeep Singh and Gurwinder Singh already stand released on bail by this Court vide order dated 11.02.2022, the petitioner also deserves the same concession on grounds of parity.
 4. On the other hand, learned State counsel has submitted that since it is a case where the accused virtually confessed his guilt, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars for the last about 2 years, 2 months & 16 days. It has also been informed that as on date only 3 out of the cited 35 PWs have been examined.
 5. This Court has considered rival submissions.

6. It is not in dispute that the petitioner is not named in the FIR and he has sought to be nominated on the basis of his disclosure statement. In any case, without commenting anything as regards veracity of the disclosure statement or as regards merits of the case, this Court finds that the accused has been behind bars for a substantial period of 2 years, 2 months & 16 days. Conclusion of trial is likely to consume time as till date only 3 out of the cited 35 PWs have been examined and the co-accused had already been released on regular bail. In these circumstances, further detention of the petitioner will not serve any useful purpose. 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.

14.10.2022

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**