

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

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CRM-M-8746-2022

Date of Decision: 15.07.2022

Kamalpreet Singh @ Kaka ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Saurav Bhatia, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Amarjeet 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.17 dated 09.03.2021 at Police Station Aur, District Shaheed Bhagat Singh Nagar, under Section 379-B IPC (Section 411 IPC added later on).
2. The FIR was lodged at the instance of Lovepreet Singh @ Saabi, wherein it is alleged that on the night intervening 8/9.03.2021, when he was proceedings towards Ludhiana from Jalandhar, then at about 7.30 AM, a car bearing registration No.PB10-FG-0302 came in front of his Mahindra Bolero Pickup and blocked the way. The driver of the said vehicle was carrying a *daat* and another person also alighted from the said vehicle and they snatched a bag which the complainant was carrying, wherein an amount of Rs.45,000/- had been kept. When the complainant tried to resist, then one of those two persons while addressing the other as Nachattar Singh said that the complainant be given a blow with *daat* and

forcibly snatched the cash bag while issuing threat to inflict injuries to him.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated subsequently on the basis of an alleged disclosure statement stated to have been made by co-accused Nachattar Singh, which would hardly carry any evidentiary value in the absence of any other credible evidence to connect him.
4. Opposing the petition, learned State counsel has submitted that since co-accused Nachattar Singh is virtually named in the FIR and said Nachattar Singh upon his arrest has categorically named the petitioner to be the other accused, the identity of the petitioner cannot be doubted. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year, 3 months & 15 days and that he also happens to be involved in 2 other cases. It has also been informed that though charges have been framed, but no PW has been examined till date.
5. I have considered rival submissions addressed before this Court.
6. It would be debatable as to whether the disclosure statement stated to have been made against the petitioner is worth relying upon or not. In any case, the petitioner has been behind bars for a substantial period of about 1 year, 3 months & 15 days. Conclusion of trial is likely to take time inasmuch as none out of cited 11 PWs has been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.

15.07.2022

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(GURVINDER SINGH GILL)
JUDGE

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