

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

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CRM-M-9173-2022

Date of Decision: 09.03.2022

Palwinder Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Jaspreet Singh Brar, Advocate, for the petitioner.

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

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.061 dated 04.06.2020 at Police Station Sadar Faridkot, District Faridkot, under Sections 395 IPC (Sections 201 IPC and Section 25 of the Arms Act 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 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 no one is 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, wherein allegations are broadly to the effect that the petitioner and his companions were preparing to commit some dacoity.
4. Learned counsel for the petitioner further submits that the prosecution mainly relies upon the disclosure statements allegedly made by the petitioner, after he was arrested in the other case i.e. in FIR No.58 dated 8.6.2020. Learned counsel for the petitioner submits that in fact the complainant and one eye-witness have already been examined and they have not even identified the petitioner, which clearly shows that he has been falsely implicated. Lastly, it has been submitted that absolutely identically situated co-accused, namely Darshan Singh, Babbu, Balwinder Singh @ Ghanti and Kamaldeep Singh have already been granted bail by this Court vide order dated 11.02.2022 and in these circumstances,

the petitioner also deserves the same concession on grounds of parity.

5. On the other hand, learned State counsel has submitted that since it is a case where the accused virtually confessed his guilt and pursuant to his disclosure statement, one of his co-accused has got recovered an amount of Rs.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 petitioner as on date has been behind bars since last about 1 year, 8 months and 11 days and that the petitioner is involved in one more case. 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 the petitioner is not named in the FIR and he has been 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 petitioner has been behind bars for a substantial period of 1 year, 8 months & 11 days and the identically situated co-accused have already been granted bail by this Court vide order dated 11.02.2022. 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 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.

09.03.2022

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(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable: **Yes/No**