

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-11658-2022 (O&M)
Date of Decision:-28.4.2022

Karanveer Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Raj Chaudhary, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by SI Sandeep Kaur.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.265 dated 30.5.2021, Police Station City Barnala, District Barnala, under Sections 399, 402, 411 of Indian Penal Code, Sections 25, 54, 59 of Arms Act and Sections 22, 29, 61, 85 of Narcotic Drugs & Psychotropic Substances Act.
2. The FIR was lodged on the basis of receipt of secret information by the police to the effect that Babby, Vicky, Sanjay, Arshdeep Singh, Kamal and Popal indulge in thefts and robberies and used to steal motorcycles for commission of crimes. The information was further to the effect that even on the given day i.e. on 30.5.2021, the said persons were sitting under a shed in

Cotton Market, Barnala while armed with dangerous weapons and were planning to commit some dacoity. Pursuant to receipt of said information, a raid was conducted and aforesaid six persons were apprehended from the spot. It is further the case of prosecution that Babby, during the course of interrogation named one Lakhvir Singh @ Gajju to also be associated with them. Upon arrest of said Lakhvir Singh @ Gajju, he made a disclosure statement nominating the petitioner as an accused. Upon arrest of the petitioner, he suffered a disclosure statement leading to recovery of a sword.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated as an accused on the basis of disclosure statement of one Lakhvir Singh @ Gajju, who himself had been nominated on the basis of a disclosure statement of another co-accused. It has further been submitted that no contraband or any other firearm was recovered from the petitioner and that the petitioner otherwise has a clean record and, as such, deserves the concession of bail particularly when he has been behind bars since the last about 10 months.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has specifically been nominated by a co-accused, his complicity is clearly evident and that the recovery of a sword from him would establish that he was hands in gloves with other co-accused. Learned State counsel has, however, not disputed that the petitioner has been behind bars since the last about 10 months. It has been informed that as may as 21 PWs have been cited but none has been examined so far. Learned State counsel, upon instructions from SI Sandeep Kaur, has also informed that the petitioner is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not disputed that the petitioner came to be nominated on the basis of a disclosure statement made by another co-accused Lakhvir Singh @ Gajju. The petitioner has been behind bars for a substantial period of about 10 months. Conclusion of trial is likely to consume time inasmuch not even a single PW out of the cited 21 PWs has been examined till date. The petitioner otherwise has a clean record. In these circumstances, further detention of the petitioner would not be justified. 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.

28.4.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No