

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207/2

CRM-M-14211 of 2022

Date of Decision:11.11.2022

Sewa Singh

....Petitioner

Versus

State of Punjab

.....Respondent

2)

CRM-M-27719 of 2022 (O&M)

Sukhmander Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Armaan Gagneja, Advocate,
for the petitioner (in CRM-M-14211 of 2022).
Mr. Arshdeep Singh Sivia, Advocate,
for the petitioner (in CRM-M-27719 of 2022).
Mr. Amit Rana, Senior Deputy Advocate General, Punjab

JASGURPREET SINGH PURI, J. (Oral)

Both the cases are taken up together for final disposal with the consent of learned counsel for the parties as the same arise out of the same FIR and the prayer in both the cases is for the grant of regular bail in FIR No.0009 dated 21.01.2022, under Sections 457, 380, 427 IPC (with Sections 395, 398 IPC and Section 25/54/59 of the Arms Act added later on), registered at Police Station Bariwala, District Sri Muktsar Sahib.

It has been submitted by the learned counsels for both the petitioners

that the petitioners are in custody from 22.01.2022. He submitted that the police has already completed the investigation and thereafter the final report under Section 173 of the Code of Criminal Procedure has been presented to the competent Court. He submitted that the charges in the present case have been framed and one prosecution witness has also been examined. The learned counsels for the petitioners have submitted that as per the allegations there was a theft in the bank and the FIR was lodged at the instance of the Manager of the bank by alleging that the shutter of the bank was broken and there was a theft of five monitors, three batteries, 1 CPU, one electronic stove and a room heater which were missing. They submitted that the petitioners have been arrested on the basis of suspicion and there is no evidence available with the police to connect the petitioners with the present offence. They have submitted that the trial has already commenced and the same may take long time to conclude and therefore they may be considered for the grant of regular bail.

On the other hand, Mr. Amit Rana, learned Senior Deputy Advocate General, Punjab has stated, on instructions from ASI Karamjit Singh, that it is correct that both the petitioners are in custody from 22.01.2022. He has however submitted that the recovery of one Verna car, one country made pistol and one motorcycle, four monitors, one CPU and two batteries has been effected from the petitioners. He further submitted that the trial in the present case has already commenced and the police has already completed the investigation of the case.

At this stage, learned State counsel has submitted, on instructions, that the petitioner Sukhmander Singh is involved in two more cases of similar nature of theft under Section 379 IPC. The learned State counsel expressed an apprehension

that in case the petitioners are released on bail, then they may repeat the offence.

I have heard the learned counsel for the parties.

It is a case where as per the FIR the Manager of the Punjab National Bank had lodged a complaint with regard to the missing of five monitors, three batteries, one CPU, one electronic stove and one room heater and there was an attempt to break the safe-houses of the bank. The Security Guard had also informed that there was an un-numbered Verna car standing in front of the bank and 4-5 unknown persons were standing near that car. As per the learned State counsel, on the next day itself aforesaid items alongwith Verna car, motorcycle and one pistol, one kirpan and live cartridges were also recovered from the petitioners. One of the petitioner namely Sukhmander Singh is also stated to be involved in two more cases. The learned State counsel has expressed strong apprehension that in case the petitioners are released on bail, then they may repeat the offence, cannot be ignored and carries weight.

In view of the aforesaid position as also considering the gravity of the present case, this Court does not deem it fit and proper to grant the concession of regular bail to both the petitioners. Therefore, both the petitions are hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the cases and is only meant for the purpose of decision of present petitions.

(JASGURPREET SINGH PURI)
JUDGE

November 11, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No