

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

212

**Date of decision: 13.07.2022
CRM-M-15388-2022 (O&M)**

GURINDER SINGH

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CRM-M-15579-2022 (O&M)

VARINDER SINGH

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CRM-M-22323-2022 (O&M)

KAWARBIR SINGH

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Ms. G.K. Maan, Sr. Advocate with
Mr. Gursewak Singh and Mr. Sunil Kumar, Advocates
for the petitioner in CRM-M-15388-2022.

Mr. Dalbir Singh Gandhi, Advocate
for the petitioner in CRM-M-15579-2022 .

Mr. Balbir Singh Jaswal, Advocate
for the petitioner in CRM-M-22323-2022.

Ms. Amarjit Kaur Khurana, DAG Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

This common order has been passed in the above-mentioned three criminal miscellaneous petitions as all the petitions arise out of the same FIR.

The instant petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case bearing FIR

No.06 dated 10.01.2022 under Sections 379-B(2)/34 of the IPC registered at Police Station Sadar Amritsar, District Police Commissionerate Amritsar.

Briefly, the case of the prosecution as per the FIR registered on the statement of Ranjit Singh son of Bachan Singh is to the effect that he has retired from Railway Department as Gangman and he along with his son Maninder Singh is running a Verka Milk agency. They supplied milk of the Verka Plant and collected cash everyday and deposit the same at the HDFC Bank Batala Road, Amritsar. As per the routine an amount of Rs.5 lakhs collected in cash against the milk supplied was to be in a black colour bag and the same was kept in the *dicky* of the Aactiva bearing registration No.PB-02-CU-3501. At about 2 pm when the complainant had reached at the HDFC Bank and had took out the bag, three men riding a motorcycle and with muffled faces snatched the bag. During the scuffle, the mask of one of them was uncovered whom the complainant could identify. The complainant was pushed as a result whereof he fell down and received certain injuries.

Learned counsel for the petitioners contend that it is a case of blind FIR where no person was identified by the complainant. Subsequently, the petitioners were arrested and have been in judicial custody since 24.01.2022. The petitioners are stated to be young persons aged 27 years and 24 years having no criminal antecedents. It is further contended that the petitioners are in custody since their arrest and that the investigation in the case is complete.

Learned Senior counsel has also made a reference to the documents appended as Annexure P-1, which is an affidavit sworn by the complainant-Ranjit Singh, wherein he submitted that Gurinder Singh (petitioner in CRM-M-15388-2022) was not one amongst the persons who had snatched the bag from his hand. It is further urged that the investigation in the case is complete and a final report has

already been filed and further custodial detention of the petitioners is not required.

Per contra, learned State counsel has submitted that the recovery has already been effected from the petitioners, which shows their involvement in the commission of the offence. She further could not controvert the fact that the petitioners are not accused in any other case and that they have already undergone an actual custody of 05 months and 19 days. Furthermore, the investigation in the case is already concluded and that no prosecution evidence has been recorded so far.

I have heard learned counsel for the parties and have perused the material on record.

Taking into consideration the age of the petitioners, their clean antecedents, the stage of trial as well as the period of custody undergone by the petitioners, I deem it appropriate to enlarge the petitioners on bail.

Accordingly, the present petitions are allowed and the petitioners are admitted to regular bail subject to their furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioners shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

July 13, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>