

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

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CRM-M-15908-2022
Date of decision: 08.08.2022

GULSHAN BHATTI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

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

Present : Mr. G.S. Goraya, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

1. The instant petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner 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.

2. 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.

3. Learned counsel for the petitioner contend that it is a case of blind FIR where no person was identified by the complainant. Subsequently, the petitioner was arrested and has been in judicial custody since 24.01.2022. The petitioner is stated to be young person aged 25 years having no criminal antecedents. It is further contended that the petitioner is in custody since his arrest and that the investigation in the case is complete. He further contends that similarly placed co-accused having already granted concession of regular bail vide order dated 13.07.2022 passed in *CRM-M-15388 of 2022* titled "*Gurinder Singh versus State of Punjab*", *CRM-M-15579 of 2022* titled "*Varinder Singh versus State of Punjab*" and *CRM-M-22323 of 2022* titled "*Kawarbir Singh versus State of Punjab*".

4. 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 petitioner is not required.

5. Per contra, learned State counsel has submitted that the recovery has already been effected from the petitioner, which shows their involvement in the commission of the offence. She further could not controvert the fact that the petitioner is not accused in any other

case and that they have already undergone an actual custody of 06 months and 15 days. Furthermore, the investigation in the case is already concluded and that no prosecution evidence has been recorded so far.

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

7. Taking into consideration the age of the petitioner, their clean antecedents, the stage of trial as well as the period of custody undergone by the petitioner as well as the fact that similarly placed co-accused have granted concession of regular bail, I deem it appropriate to enlarge the petitioner on bail.

8. Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

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

10. 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

AUGUST 08, 2022
vishal sharma

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