

CRM-42914-2022 in/and
CRM-M-16507-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-42914-2022 in/and
CRM-M-16507-2022 (O&M)
Date of Decision: 16.11.2022

Joban Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Dilpreet Singh Gandhi, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)
CRM-42914-2022

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Kunal Muthreja, AAG, Punjab, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-16507-2022 (O&M)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.147 dated 29.10.2021 registered under Sections 420, 465, 467, 468, 471 and 473 IPC, 1860 and Sections 25, 27 and 54 Arms Act, 1959 at Police Station Phase 8, SAS Nagar, Mohali. The petitioner is in custody since his arrest on 29.10.2021.

The above FIR was registered on the basis of secret information, which reads as under:-

“Today, myself SB alongwith SB Nirmal Singh 306/Mohali, C-Sandeep Singh 2035/Mohali, C- Balwinder Singh 2315/ Mohali, C-Parminder Singh 2454/Mohali on Government vehicle driven by Driver HC-Sukhjit Singh 539/Mohali were present at the barricade of YPS Chowk, Phase- 08, Mohali and were checking the vehicles of all persons. During checking, one Innova Car white colour bearing No-PB65AL0722 was coming from Chandigarh side and the same was stopped and started checking and during checking, the driver namely Joban s/o Balwinder Singh, Village Badowal Kalan, P.S Fatehgarh Churian, Tehsil Batala, District Gurdaspur from whom one country-made pistol got recovered and on it in English "Pistol 0.32"MK-11 219127814 RFI-IN-2021 and on other side L/M2/9837 was written and its handle was of wooden and in the magazine, 3 live cartridges were recovered. On checking the RC, it was found that vehicle was registered in the name of Satnam Singh s/o Hardev Singh, R/o Near Baba Karji Gurudwara Colony, Kalanaur Gurdaspur and RC No.PB06AL0321 was written. When asked about the number mentioned on the vehicle, he informed that I have kept fake registration number and on this, myself SB asked about the license of pistol and he could not show any license. That Joban s/o Balwinder Singh, R/o Village Badowal Kalan, PS Fatehgarh, Tehsil Batala, District Gurdaspur by keeping in his possession Pistol and fake number plate of the vehicle committed offences u/s 473 IPC and 25/54/59 Arms Act and for registration of case, ruqa was sent by hand through C-Parminder Singh 2454/Mohali to Police Station. After registration of case, FIR No. be Informed. Special reports be prepared and senior officers be informed on wireless. Myself SB is busy in investigation in the limit of YPS Chowk, Phase-08, Mohali, time: 01:20 AM. Sd/- Bhupinder Singh, ASI, Phase-08 Police Station, Mohali, dated 29.10.2021.”

Learned counsel for the petitioner has argued that the offences are triable by Magistrate and his co-accused, namely, Parminder Singh, has already been released on regular bail by trial Court. According to him, the investigation is complete and the challan has been presented on 25.01.2022. He prays for bail.

Learned State counsel assisted by ASI Amarnath, has opposed

petitioner, but he is on bail. However, it is not disputed that the co-accused of the petitioner has been released on bail. He, on instructions, states that the challan has been presented on 25.01.2022, but the charges are yet to be framed.

After hearing the learned counsel for the parties, considering the fact that the co-accused of the petitioner has already been released on regular bail and also the fact that the offences are triable by Magistrate, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose. Further, the charges are yet to be framed and it may take considerable time to conclude the trial.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

16.11.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No