

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

CRM-M-21197 of 2022 (O&M)

DECIDED ON: 20th May, 2022

Sukhwinder Singh @ Sukhi

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. K.S. Brar, Advocate for petitioner.

Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

Regular bail is sought in case of FIR No. 109 dated 8.8.2020, under Sections 382, 34 IPC, 1860 and 25 of Arms Act, 1959 and 397, 148, 149 IPC added lateron, registered at Police Station Sadar Faridkot, District Faridkot.

Learned counsel for the petitioner relied upon an order dated 10.2.2022 whereby co-accused Avneet Singh @ Babbi was granted bail by this Court and claims parity. Following order was passed for granting bail to the co-accused:

"1. Due to COVID-19 situation, the Court is convened through video conference.

2. This petition, under Section 439 Cr.P.C., has been filed seeking regular bail in FIR No. 109, dated 8th August, 2020, under Sections 382, 34 and 397 (added later on) IPC and Section 25 of the Arms Act, 1959, registered at Police Station Sadar, Faridkot, District Faridkot.

3. FIR in the present case was registered at the instance of Lovepreet Singh, alleging that on 8th August, 2020, three persons came in a car with covered faces. They were armed with pistols and snatched Rs.25,000/-, one gold chain and some bracelets made of silver. They also took away mobile phone of the complainant.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 15th August, 2020. He was not named in the FIR. Eyewitness and complainant have not supported the case of the prosecution.

5. Learned State counsel on instructions from ASI Gulab Singh, opposes the prayer. However, fairly submits that the complainant and eyewitness have not supported the case.

6. Without making any comments on the merits of the case, considering the custody period of the petitioner; the fact that investigation is complete; out of eleven only three prosecution witnesses have been examined; and that conclusion of trial is likely to take time, the petitioner is granted bail, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case."

Learned State counsel on instructions from ASI Sukhdev Singh has tried to distinguish the case of the petitioner qua the co-accused so far as bail is concerned, on the ground that the petitioner is involved in other FIR's also.

Without commenting upon the merits of the case, considering that there is parity of the petitioner qua co-accused so far as allegations in the present FIR is concerned, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

20th May, 2022
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Whether speaking/reasoned Yes
Whether reportable No