

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21744-2022

Date of Decision: 24.8.2022

Gurpreet Singh alias Banty

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Kamaldeep S. Sidhu, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.297 dated 12.10.2017 registered for the offences punishable under Sections 392 IPC and Section 25 of Arms Act (Section 397 IPC added later on) at Police Station Pinjore, District Panchkula.

Counsel for the petitioner submits that the petitioner has been falsely implicated in this case; that as per allegations appearing in the FIR, some unknown persons snatched Verna car No.HR99-ACH-4592 from complainant Ggandeeep Singh @ Gaggi. He further submits that the police arrested Parminder Singh @ Tiger in January, 2018 and from whom, the aforesaid car was recovered; that said Parminder Singh @ Tiger disclosed about involvement of Gurdeep Singh @ Mana, Baba and Honey in the aforesaid incident; that thereafter the police arrested Gurdeep Singh @ Mana in March, 2018 and Baba was arrested in January, 2020. Counsel for

the petitioner further submits that the petitioner was named as accused in the present case on the basis of the alleged disclosure of co-accused Baba and consequently, arrested in this case. He further submits that the petitioner is in custody for the last more than 1 year and 5 months and is on bail in another criminal case being faced by him. He further submits that main accused Parminder Singh @ Tiger was granted concession of bail by Coordinate Bench of this Court vide order dated 19.6.2020. He further submits that the petitioner also deserves to be released on bail.

Status report by way of affidavit of Ramesh Gulia, Assistant Commissioner of Police, Kalka filed on behalf of respondent-State is ordered to taken on record.

Present petition is resisted by the State counsel who submits that after completion of investigation, challan has been presented but charges are yet to be framed. However, State counsel on instructions from ASI Vikrant has not disputed the fact that the petitioner was not named in the FIR and was later on, arraigned as accused on the basis of the disclosure made by co-accused Dilpreet Singh @ Baba. He further submits that there are allegations appearing on record against the petitioner that he was involved in snatching of Verna car belonging to the complainant which was later on recovered from the possession of co-accused Parminder Singh @ Tiger.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner was not named in the FIR which was registered against unknown persons who snatched Verna car of the complainant. After registration of FIR, Parminder Singh @ Tiger was

arrested from whom, said Verna car was recovered and thereafter, co-accused Gurdeep Singh @ Mana was arrested in March, 2018 and subsequently, co-accused Dilpreet Singh @ Baba was arrested in January, 2020 and the present petitioner was arraigned as accused in the present case on the basis of the disclosure made by said Dilpreet Singh @ Baba.

As per custody certificate, the petitioner is in custody for the last more than 1 year and 5 months and he is also involved in one another case. However, counsel for the petitioner has clarified that the petitioner has been granted bail in the said criminal case. As per status report filed on behalf of the State, challan has been presented by the police on completion of investigation but charges are yet to be framed. Co-accused Parminder Singh @ Tiger from whom snatched car was recovered has already been granted bail by Coordinate Bench of this Court vide order dated 19.6.2020 passed in CRM-M-14032-2020.

In view of above, as it will take time for conclusion of trial, no useful purpose is going to be served by keeping the petitioner in custody for any indefinite period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

August 24, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No