

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

205

**CRM-M-25973-2021
Date of decision: 04.04.2022**

VISHAL SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

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

Present : Mr. Tarunveer Vashist, Advocate with
Mr. Shoryaveer Vashist, Advocate
for the petitioner.

Ms. A.K. Khurana, DAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. by the petitioner for seeking concession of regular bail in case FIR No. 07 dated 10.02.2021 under Sections 336, 382, 34 IPC and Section 25 of the Arms Act registered at Police Station Pojewal, District SBS Nagar.

2. Learned counsel appearing on behalf of the petitioner *inter alia* submits that the FIR in question has been registered on the statement of one Gagandeep Sharma son of Sh. Karam Chand who has claimed to be working as a Cashier at a Wine Farm Trader. It is alleged that on 09.02.2021 at around 8:55 p.m., when the complainant was present in the office and counting cash, two young boys came in the office. One boy was wearing black mask over his face and was about 24/25 years old in Mullah Fashion holding a revolver while the other

young boy was holding a revolver, aged 25/26 years old wearing a moccasin cape over his face. The boys took away the cash and also fired a shot with the revolver while other person switched off the CCTV cameras and cut the DVR. He further submits that two other unidentified boys were standing outside, in the office yard, in a red colour Brezza and then all of the assailants fled towards village Saroya. The complainant informed about the incident to the owner Pardeep Kumar alias Deepa and also gave the names of suspects as Gaggi @ Gagandeep Singh and the name of second suspect as Rajat Partap Singh along with unidentified accomplices. He submits that Gaggi @ Gagandeep Singh used to earlier work with the wine contractor and that co-accused Rajat Partap Singh used to visit the office to meet him and hence he could identify them both.

3. The accused Gaggi @ Gagandeep Singh was taken on 13.02.2021. He points out that the name of the petitioner figured in the disclosure statement of co-accused Gaggi @ Gagandeep Singh. Learned counsel submits that the petitioner was taken in custody on 22.04.2021. The recovery of 03 live cartridges of 9 mm and cash amount of Rs.5,000/- as well as Aadhar Card of the complainant is stated to have been effected from the petitioner. He further submits that co-accused Gaggi @ Gagandeep Singh who was arrested on 13.02.2021 has already been enlarged on bail by the Sub Divisional Judicial Magistrate vide order dated 25.02.2021. He further submits that petitioner has clean antecedents and is not involved in any other case. It is also pointed out that the trial has not yet commenced and no witness has been examined so far.

4. Learned counsel for the respondent opposes the instant petition by making a reference that live cartridges as well as the Aadhar Card along with sum of Rs.5,000/- have been recovered from the petitioner. It is, however, not disputed that name of the petitioner figured during the interrogation of Gaggu @ Gagandeep Singh. She however could not dispute the fact that the trial in question has not yet commenced. It is rather admitted by the State in the said status report in Para No.11 that co-accused Gaggu @ Gagandeep Singh has already been enlarged on bail.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

6. Taking into consideration, the facts as noticed above, the period of actual custody already undergone by the petitioner, his clean antecedents and also the fact that co-accused Gaggu @ Gagandeep Singh has already been granted concession of bail, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. 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.

9. 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

APRIL 04, 2022

vishal sharma

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