

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-29050 of 2021
Date of decision:06.04.2022

Parminder Singh @ Gori

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Harpal Singh Sidhu, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner in case FIR No.72 dated 26.06.2020 registered under Sections 382, 34 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, however, Section 411 IPC was added later on, at Police Station Sadar Faridkot, District Faridkot (Annexure P-1).

As per the case of the prosecution, FIR (Annexure P-1) has been registered on the statement of Kulwinder Singh on the allegation that on 26.06.2020, when he was travelling on his Polo Volkswagen Car, he was waylaid by three persons, aged between 20 to 25 years, who were riding a motorcycle with a broken number plate. They were armed, threatened him, snatched his car and fled away from the spot.

Counsel for the petitioner submits that allegations levelled in

the FIR is against three unidentified persons and the petitioner has not been named therein. It is his categoric case that co-accused, Darshan Singh was arrested in FIR No.78 dated 30.06.2020, on the basis of his disclosure statement, which is inadmissible in evidence, the petitioner has been arraigned as an accused and apprehended. Counsel asserts that the first petition (CRM-M-17152 of 2021) was withdrawn after arguments on 30.04.2021 and thereafter, the charge has been framed and even the complainant has been examined. He submits that besides the custody period, the above developments justify the filing of the instant petition.

Per contra, State counsel, upon instructions from HC Parvinder Singh, has opposed the petition and has submitted that the petitioner has been duly identified in Test Identification Parade and recovery of the weapon used by him in the offence has been effected from him. By referring to the criminal past of the petitioner, State counsel submits that the petitioner, who is in custody since 17.09.2020, is known-criminal and does not deserve the concession of bail.

Having considered the submissions made by counsel for the parties, this Court is of the view that complicity of the petitioner in the crime would be subject matter of the debate before the Trial Court.

Keeping in view the period of incarceration of more than 01 year and 06 months and the fact that the complainant has been examined and 12 more prosecution witnesses are yet to be examined, this Court is of the view that the petitioner would be entitled to be released on bail during the pendency of the trial, which is not likely to conclude in the near future.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

While being released on bail, the petitioner shall furnish an undertaking to the effect that henceforth, he will not get involved in any criminal activity and in case he violates the undertaking, liberty is granted to the State to seek cancellation of bail granted to the petitioner.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

April 06, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes