

(225) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30602-2022
Date of Decision: 14.09.2022

Gurbinder Singh @ Gindri

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Riffi Birla, Advocate
for the petitioner.

Mr. Hakam Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.61 dated 12.04.2022 (Annexure P-1) registered under Sections 379, 379-B of the IPC (Sections 411, 457, 380 IPC added later on) with the Police Station Sadar Fazilka, District Fazilka.

2. The brief facts of the case are that while the police party was on patrolling duty then a secret informer informed them that Gurbinder Singh @ Gindri (the present petitioner), Raj Singh son of Mahender Singh, Gurpreet Singh @ Gohli son of Makhan Singh, Gurwinder Singh and Raju sons of Ram Singh, who were habitual of committing thefts and snatching were roaming in the area of village Noorshah for committing theft and snatching on their motorcycles along with weapons. If a barricading was done then the aforesaid persons could be apprehended along with the weapons. Based on the aforementioned allegations, the present FIR came to be registered against

the petitioner, Raj Singh, Gurpreet Singh @ Gohli, Gurwinder Singh and Raju.

3. The learned counsel for the petitioner contends that the petitioner has been named on suspicion. However to connect the petitioner with the offence, the statement of one Vasu Kumar was recorded to the effect that the petitioner and his co-accused had snatched his mobile phone and Rs.6000/-. She contends that in fact no recovery was effected from the petitioner but the police has shown the recovery in the present case. The petitioner has been in custody since 12.04.2022, the investigation stands completed and only 01 out of the 13 prosecution witnesses have been examined so far (four witnesses have been given up). She contends that there is one other FIR registered against the petitioner, in which he has been granted the concession of regular bail as is borne out from para 14 of the petition.

4. On the other hand, the learned State counsel contends that the petitioner was in fact arrested at the *Naka* along with his co-accused Gurpreet Singh @ Gohli and Raj Singh. The statement of one Balkar Singh was recorded, in which he stated that there had been a theft at his shop and agricultural implements, electric motors other hardware implements and seven quintals of iron was stolen from his shop. It came to his knowledge that the theft had been committed by the petitioner and his co-accused. He thus, contends that the petitioner does not deserve the concession of regular bail, moreso when he is involved in one other case under the NDPS Act.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, the petitioner has been in custody since 12.04.2022 and the challan stands submitted. Only 01 prosecution witness out of the 09 remaining witnesses has been examined till date. In the other FIR registered against the petitioner, he is on regular bail. Since, the trial is not likely to be concluded in the near future, therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Gurbinder Singh @ Gindri son of Amrik Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

(JASJIT SINGH BEDI)
JUDGE

14.09.2022

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No