

211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40731-2021 (O&M)

Date of Decision: 08.03.2022

Shailpreet Singh @ Shally

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. P.P.S. Tung, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, DAG, Punjab.

(Through Video Conferencing)

JASJIT SINGH BEDI, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in case FIR No.0147 dated 07.06.2021, registered under Sections 392 and 411 IPC and Section 25 of Arms Act, 1959 at Police Station Anaj Mandi, District Patiala (Annexure P-1).

As per the complainant-Sukhdev Singh-PW-1, 7/8 boys came to the petrol pump and took away his .32 bore revolver loaded with five live cartridges and a mobile phone and also some important papers and Rs.8-10,000/- cash from the iron box. Those boys also confined him in one room and the aforesaid boys fled away from the spot. Thus, the FIR was registered against 7/8 unknown persons. Subsequently, during the course of investigation, the complainant revealed the name of six accused persons. The petitioner-Shailpreet Singh @ Shally is one of those.

The learned counsel for the petitioner submits that no one was named in the FIR and the petitioner has been falsely implicated subsequently. He submits that no injury has been attributed by him to anyone and the CCTV footage was unavailable from the petrol pump. He contends that two witnesses to the occurrence namely Sukhdev Singh-complainant PW1 and Lovedeep Singh-PW2 have refused to identify the petitioner in Court and as such the witnesses were declared hostile. He further contends that there are 23 PWs in the list of witnesses. The petitioner has been in custody since 20.06.2021 and thus, he deserves the concession of regular bail.

On the other hand, the learned State counsel admits the factual position, however, he states that such kind of offences are on the rise and the prayer for bail should not be accepted as the offence committed is serious in nature.

I have heard the rival contentions of both the parties.

Admittedly, the petitioner has not been identified by Sukhdev Singh-complainant PW1 and Lovedeep Singh-PW2. No recovery of any firearm or any other weapon has been effected from the petitioner. None of the witnesses have received any injury at the time of occurrence. The investigation having been completed and the evidence of the material witnesses having been recorded and the petitioner has been in custody since 20.06.2021, no useful purpose would be served by keeping the petitioner in custody.

In view of above, without adverting to the merits of the case and keeping in view the fact, I deem it appropriate to enlarge the petitioner on regular bail.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Patiala.

Nothing expressed hereinabove would be construed to be an expression of any opinion on the merits of the case.

(JASJIT SINGH BEDI)
JUDGE

08.03.2022
JITESH

Whether speaking/reasoned Yes/No

Whether reportable Yes/No