

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-42570-2021 (O&M)

Date of decision: 12.05.2022

Bunty Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. L. M. Gulati, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 66 dated 15.08.2016, registered under Section 379-B IPC at Police Station Kathu Nangal, District Amritsar.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Harbhajan Singh, it is stated that he has two petrol pumps, out of which, one petrol pump is situated at G. T. Road and the second one is at M. R. Talwandi Ghuman. The complainant is working as Manager on both the petrol pumps and looking after the accounts and sales thereon. On the date of incident i.e. 15.08.2016, after collecting Rs. 69,000/- of sales from the first petrol pump and Rs. 92,000/- from the second petrol pump, he was counting the same

and in the meantime, two motorcycles came there, on which, four young persons were riding. They were having muffled faces and by showing revolver, they snatched an amount of Rs.1,64,000/- from the complainant.

Learned counsel for the petitioner further submits that the petitioner was later on arrested on the basis of the disclosure of co-accused Amarjit Singh.

Reply, by way of the affidavit of DSP, Sub-Division Majitha, has been filed today in Court. In reply, after verifying the contents of the FIR, it is stated that during investigation in the present FIR No. 66, another complaint was given by one Jagtar Singh in Police Station Kathu Nangal with the similar allegations that some young persons came on the motorcycles and snatched the motorcycle, mobile phone and an amount of Rs. 40,000/- and the allegations were coupled with the present FIR.

Learned counsel further submits that co-accused Amarjit Singh was arrested in FIR No. 100 dated 24.07.2017, registered under Sections 21 and 22 of the NDPS Act and during his custodial investigation, he made disclosure that he along with Bunty Bhohrewal (petitioner) and Jeet Bhohrewal had snatched amount from the petrol pump as well as also disclosed with regard to involvement of the petitioner in the second incident.

In reply, learned counsel for the petitioner further submits that on 03.11.2018, Sessions Judge had granted the concession of anticipatory bail to the petitioner, however, he failed to join investigation and later on, he was arrested, subsequent to disclosure of co-accused Amarjit Singh.

Learned State counsel has also filed the custody certificate,

according to which, the petitioner is in judicial custody for the last 01 year and 08 days. Learned State counsel has submitted that there are total 29 prosecution witnesses, however, none has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner was nominated on the disclosure of co-accused Amarjit Singh; he is in judicial custody for the last 01 year and 08 days; after the arrest of the petitioner, nothing was recovered from him and also in view of the fact that conclusion of trial is likely to take some time as out of total 29 prosecution witnesses, none has been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqua Magistrate, concerned.

12.05.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No