

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-42788-2022 (O & M)****Date of decision: 21.09.2022**

Suraj Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vishva Bahl, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Vikas Bali, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

1. The present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.0053 dated 03.03.2022 under Sections 408, 120-B IPC 1860 and section 379-B(2) IPC (added later on) and Sections 25/27 of the Arms Act, 1959 (added later on) registered at Police Station Sadar, District Amritsar.

2. The allegations in the FIR are to the effect that one Rajbir Singh got his statement recorded to the effect that he was the owner of Satguru Thinner Factory at Fatehgarh Churian Village Muradpura. His driver Robin Masih and cleaner Suraj Singh (the present petitioner) used to bring thinner to Nakodar on vehicle bearing registration No.PB-05-G-9742 and even earlier had gone to Nakodar and used to hand over the payment to him after bringing the same from there.

3. On 25.02.2022, his driver Robin Masih alongwith cleaner Suraj Singh (petitioner) went to Nakodar on the said vehicle and was supposed to

come back to Amritsar by receiving the payment from there. On that very day, his clerk Sumit called him and informed him that the driver Robin Masih and cleaner Suraj Singh (petitioner) had come to Amritsar on the aforementioned oil tanker after taking payment of Rs.6,04,000/- from Nakodar. They were supposed to handover the payment to the clerk Sanjay Sharma. However, on the way back, when they stopped the tanker on Fatehgarh Churian Road, three persons riding on motor cycle make Splendor, who had their faces covered, snatched Rs.6,04,000/- from Suraj Singh by showing him a pistol. On raising an alarm, Suraj Singh and Robin Masih got off the aforesaid tanker but the three persons on the motor cycle fled away with the money. On being asked, Suraj Singh (petitioner) stated that the money had been taken by three unknown persons. When he was threatened with an FIR, he broke down and told the complainant that Gurpreet Singh @ Gopi, Gautam Dheer and one of their associate had committed the offence in connivance with him.

4. The learned counsel for the petitioner contends that the money was, in fact, snatched from Sanjay Sharma, Clerk of the complainant and not the petitioner. The FIR had been registered after a gap of 10 days and the petitioner has been falsely implicated. The petitioner was a young boy of the age of 18 years and is in custody since 07.03.2022. No other FIR stands registered against him and as none of the 17 prosecution witnesses has been examined so far, the petitioner deserves the concession of regular bail.

5. The learned counsel for the State, on the other hand, contends that the petitioner is one of the main accused. The nature of allegations levelled against the petitioner and his co-accused do not entitled him to the concession of bail. He, however, does not dispute the factual position that

the petitioner is a first-time offender, no prosecution witness has been examined till date and the petitioner is in custody since 07.03.2022.

6. The learned counsel for the complainant has vehemently opposed the present bail petition stating that the nature of the allegations against the petitioner do not entitle him to the grant of regular bail, moreso, when no recovery has been effected from them.

7. I have heard the learned counsel for the parties.

8. The petitioner is a young boy of the age of 18 years. Admittedly, he is in custody since 07.03.2022. As none of the 17 prosecution witnesses have been examined till date, therefore, the trial of the present case is not likely to be concluded in the near future.

8. In view of the above, the further incarceration of the petitioner is not required. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Suraj Singh, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9 The petitioner shall appear before the local police station on the first Monday of every month till the conclusion of the trial and shall furnish an affidavit each time that he is not involved in any other crime/case other than the present one.

(JASJIT SINGH BEDI)
JUDGE

September 21, 2022

sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No