

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-43266-2022 (O & M)

Date of decision: 23.09.2022

Akashdeep Singh

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Veneet Sharma, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 is for the grant of regular bail to the petitioner in case FIR No. 231 dated 10.09.2021 under Sections 379-B, 506, 34 IPC and Sections 379-B(2), 379, 411, 473, 201 IPC (added later on), registered at Police Station Chheharta, Amritsar City, District Amritsar.

2. The brief facts of the case are that the statement of Gagandeep Singh was recorded who stated that he was working at a petrol pump at Chheharta. On the intervening night 06/07/.09.2021 while he was working at the petrol pump, two clean-shaven young persons came on a motorcycle, got filled the petrol and after getting the petrol filled, the person, who was sitting behind, got down from the motorcycle, took out a sharp-edged instrument from the right side of his waist and pointed towards him (complainant) and asked him to handover the cash. The entire cash

from the spot on their motorcycle. He narrated the facts to his owner and after enquiries, they found that one of the accused persons was Gurpreet Singh @ Happy, who was accompanied by another young person. Based on the aforesaid information, the present FIR came to be registered.

3. The learned counsel for the petitioner contends that the petitioner was not named in the FIR. He has been identified alongwith the co-accused during investigation and the recoveries of a *datar* and Rs.1,000/- has been shown from him, which has, in fact, been planted upon him. He contends that the petitioner is in custody since 17.06.2022 and since he is a first-time offender, he deserves the concession of bail, moreso, when the investigation stands completed and none of the 06 prosecution witnesses have been examined so far.

4. The learned counsel for the State, on the other hand, contends that the petitioner was duly identified by the complainant and the recoveries have been effected from him. Therefore, the petitioner does not deserve the concession of bail.

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

6. Admittedly, the petitioner is in custody since 17.06.2022, Investigation stands completed and none of the prosecution witness has been examined so far. The petitioner is a first-time offender, and as such, the further incarceration of the petitioner is not required.

7. In view of the above, but without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Akashdeep Singh, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

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8. 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 23, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No