

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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CRM-M-47610-2022

Date of Decision: November 09, 2022

Subash Singh alias Suba

-----Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Achin Gupta, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present 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.8 dated 04.02.2022 under Sections 399/402 IPC (Offence under Sections 379/411 IPC added lateron), and Section 25 of the Arms Act, 1959 registered at Police Station Fatehgarh Panjtoor, District Moga.

Learned Counsel for the petitioner has submitted that it is a case where the petitioner is in custody for about 9 months and 3 days. He has further submitted that investigation of the case has been completed and the challan has been presented. He has further submitted that there is no specific role attributed to the petitioner even as per prosecution story. He further submitted that as per FIR, information was given that the petitioner along with other co-accused were hatching a conspiracy for committing a robbery and on the basis of the aforesaid information, the Police raided the place disclosed by the informer and there was alleged

recovery of one sword from the petitioner. He has further submitted that it is a case where no robbery has been committed and only on the basis of secret information, the petitioner with other co-accused were apprehended but there is no role attributed to the petitioner. He further submitted that the similarly situated co-accused, namely, Kashmir Singh @ Kala and Sukhmander Singh have already been granted regular bail by a co-ordinate Bench of this Court vide order dated 06.09.2022 and 27.09.2022 (Annexures P-2 and P-3) respectively and the petitioner is also at parity with the aforesaid two co-accused.

Learned State counsel has submitted that the petitioner has faced the incarceration for about 9 months and 3 days and the other co-accused, who are at parity with the petitioner, have been granted bail by this Court. He has, however, submitted that the petitioner is involved in two more cases under the Arms Act.

I have heard learned counsel for the parties.

The petitioner has faced the incarceration for about 9 months and 3 days. The investigation of the case has been completed and the challan has been presented. As per the allegations, the petitioner along with other co-accused were hatching a conspiracy for committing robbery. As per learned State counsel, there was recovery of one sword from the petitioner. The trial of the case may take long time and it is not the case of the learned State counsel that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may abscond from justice.

In view of the aforesaid facts and circumstances and particularly considering the other co-accused, who are at parity with the petitioner, have already been granted regular bail by a co-ordinate Bench

of this Court, the petitioner also deserves concession of regular bail.

Therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

09.11.2022
Atul

Whether speaking/ reasoned	-	Yes/No
Whether reportable	-	Yes/No