

CRM-M-48953-2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48953-2022 (O & M)

Date of decision: 31.10.2022

Gurpreet Singh @ Gopi

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Mr. Jiteshwar Singh, AAG, 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

amounting to Rs.17-18 thousand was snatched by them and they ran away

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 (petitioner), 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 recovery of Rs.1,000/-, a motorcycle and a *kirch* has been effected from the petitioner. In fact, the same has been planted upon him. His co-accused, namely, Akashdeep Singh has been granted the concession of bail by this Court vide order dated 23.09.2022 passed in CRM-M-43266-2022. The petitioner is in custody since 13.01.2022 and since he is a first-time offender, he deserves the concession of bail, moreso, when the investigation stands completed and none of the 13 prosecution witnesses has been examined so far.

4. The learned counsel for the State, on the other hand, contends that the petitioner was named in the FIR and the recoveries have been effected from him. Therefore, the petitioner does not deserve the concession of bail. He, however, does not deny the fact that the co-accused of the petitioner, namely, Akashdeep Singh has been granted the concession of bail by this Court vide order dated 23.09.2022 (Annexure P-2).

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

6. Admittedly, the petitioner is in custody since 13.01.2022, 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, moreso, when his co-

accused, namely, Akashdeep Singh has been granted the concession of bail vide order dated 23.09.2022 (Annexure P-2) passed by this Court.

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

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.

October 31, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No