

(221) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51517-2022
Date of Decision: 12.12.2022

Gurwinder Singh

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Riffi Birla, Advocate
for the petitioner.

Ms. Ramta Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.61 dated 12.04.2022 registered under Sections 379, 379-B of the IPC (Sections 411, 457, 380 IPC added later on) with the Police Station Sadar Fazilka, District Fazilka.

2. The brief facts of the case are that while the police party was on patrolling duty then a secret informer informed them that Gurbinder Singh @ Gindri (since granted bail vide order dated 14.09.2022 passed in CRM-M-30602-2022), Raj Singh @ Raju (granted bail vide order dated 12.05.2022 passed by the Additional Sessions Judge, Fazilka) son of Mahender Singh, Gurpreet Singh @ Gohli son of Makhan Singh, Gurwinder Singh (petitioner) and Raju sons of Ram Singh, who were habitual of committing thefts and snatching were roaming in the area of village Noorshah for committing theft and snatching on their motorcycles along with weapons. If a barricading was

done then the aforesaid persons could be apprehended along with the weapons. Based on these allegations, the present FIR came to be registered against all the accused persons.

3. The learned counsel for the petitioner contends that the petitioner has been named on suspicion. However to connect the petitioner with the offence, the statement of one Vasu Kumar was recorded to the effect that the petitioner and his co-accused had snatched his mobile phone and Rs.6000/-. She contends that in fact no recovery was effected from the petitioner but the police has shown the recovery in the present case. The petitioner has been in custody since 13.04.2022, the investigation stands completed and only 01 out of the 13 prosecution witnesses have been examined so far (four witnesses have been given up). The witness Vasu Kumar has not identified the petitioner in Court as is borne out from his deposition (Annexure P-1). She contends that there are 03 other cases registered against the petitioner, in which he has been granted the concession of regular bail as is borne out from the custody certificate dated 10.12.2022. Even otherwise the co-accused Gurbinder Singh @ Gindri and Raj Kumar have been granted the concession of bail vide orders dated 14.09.2022 passed in CRM-M-30602-2022 and 12.05.2022 (Annexure P-2).

4. On the other hand, the learned State counsel contends that the allegations against the petitioner do not entitle him to the grant of bail. Even otherwise, he is involved in three other cases and therefore, his conduct is such that if he was granted the concession of bail, he was likely to commit further offences in future. He, however, does not dispute the period of

custody undergone by the petitioner, the stage of trial as also the fact that the co-accused of the petitioner have been granted the concession of bail.

5. I have heard the learned counsel for both the parties at length.
6. Admittedly, the petitioner has been in custody since 13.04.2022 and the challan stands submitted. Only 01 prosecution witness out of the 09 remaining witnesses has been examined till date. In the other case registered against the petitioner, he is on regular bail. The co-accused of the petitioner namely, Gurbinder Singh @ Gindri and Raj Singh @ Raju have been granted the concession of bail. Since, the trial is not likely to be concluded in the near future, the further incarceration of the petitioner is not required.
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Gurwinder Singh son of Amrik Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petitioner shall appear before the police station concerned on the first Monday of every month and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.
9. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
10. Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

12.12.2022
JITESH

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