

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-58521-2022

Date of Decision:-20.12.2022

Sunny Singh @ Sunny.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Malkiat Singh Hundal, Advocate for the Petitioner.

Ms. Ramta Chowdhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.264 dated 11.08.2022 under Sections 379B(2), 411 34 IPC registered at Police Station Maqboolpura, District Amritsar.

The brief facts of the case leading to the registration of the FIR are that the statement of Mithlesh Pandit was recorded to the effect that he was a resident in the house of one Kulwinder Singh. While he was riding on his motor cycle and had reached the closed road of the modern park, some persons standing in front of him stopped their motor cycle. He found it to be suspicious and called his brother Bhola Pandit. Meanwhile one of the persons took out a hidden *datar* and attempted to attack him but he immediately hugged him. Then the accused asked his friend to shoot at him (complainant) and others. The second person hit him on the head with the handle of a toy pistol. Meanwhile his brother Bhola Pandit came there. He (complainant) snatched the *datar* of the accused who took away his purse containing Rs.2000/- and Aadhaar Card along with other documents and ran

away. The other accused gave him blows with a toy pistol and on account of the scuffle the said boy received an injury on his hand. Thereafter the boys fled away. The boy who had scuffled with him jumped into the canal in an injured condition and on being pulled out disclosed his name as Gurjinder Singh son of Kulwant Singh and the second person with him as Sunny (petitioner) son of Virsa Singh.

The Counsel for the petitioner contends that the petitioner has been named in the disclosure statement of his co-accused Gurjinder Singh. The petitioner is stated to have been carrying a toy pistol and in fact it was the complainant who had attacked the accused as is borne out from the FIR. The petitioner was in custody since 11.08.2022 and none of the 18 prosecution witnesses had been examined and therefore the Trial of the present case was not likely to be concluded any time soon. There were two other case registered against the petitioner in one of which bearing FIR No.60 dated 2.4.2021 the petitioner had been granted the concession of bail while in the other he is in custody. He thus contends that the further incarceration of the petitioner was not required and he be released on bail.

The Counsel for the State on the other hand contends that the petitioner is a habitual offender and does not deserve any sympathy of the court. He has criminal antecedents. He however admits the fact that in one of the cases he has been granted the concession of bail and no prosecution witness has been examined so far.

I have heard learned Counsel for both the parties at length.

Admittedly, the petitioner is a young boy of the age of 24 years. He is in custody since 11.08.2022 and none of 18 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded any time soon. As such the further incarceration of the petitioner is not required.

Thus, without commenting on the merits of the case, the petitioner-**Sunny Singh @ Sunny** son of Sh. Virsa Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the

cases mentioned in this order.

If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

In addition, the petitioner or any person on his behalf shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioner from the Trial without sufficient cause.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 20, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>