

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1797-2023

Date of Decision: 18.01.2023

Varinder Singh @ Gori

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 17.01.2023, filed by learned counsel for the State is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 104 dated 30.05.2022 registered under Sections 379-B/511/323 read with Section 34 IPC at Police Station Beas, District Amritsar (Rural).

As per prosecution story, the aforesaid FIR was registered on the statement of complainant-Ranjit Singh, alleging therein that on 30.05.2022 at around 8:30 P.M., when he was present at Theka/wine shop, three persons armed with datars came on a motorcycle and forcibly tried to enter in the shop. The complainant tried to resist them. Out of

three persons, one person tried to pick cash from the cash box. On raising hue and cry, one Harjit Singh @ Jitu and Ishar Singh, came at the spot and they apprehended one person who disclosed his name as Balbir Singh, whereas remaining two persons succeeded to ran away from the spot. On interrogation, he disclosed the names of two persons i.e. petitioner-Varinder Singh @ Gori and Zail Singh, who were accompanying him at the relevant time.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner was not named in the FIR. He has falsely been implicated in the present case on the basis of disclosure statement suffered by his co-accused-Bablir Singh, which is a very weak type of evidence. He is not involved in any other case. No recovery has been effected from the petitioner. The petitioner is in custody since 08.07.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Co-accused of the petitioner, namely; Balbir Singh, had already been granted the concession of regular bail by a co-ordinate Bench of this Court, vide order dated 23.12.2022 (Annexure P-2). Therefore, treating the case of the petitioner on the same parity as that of his co-accused, he may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition. However, he fairly conceded the fact that the petitioner is not involved in any other case.

Keeping in view the facts and circumstances of the case and also the fact that co-accused of the petitioner, namely, Balbir Singh, had

already been granted the concession of regular bail by a co-ordinate Bench of this Court, vide order dated 23.12.2022 (Annexure P-2), but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Varinder Singh @ Gori, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

January 18, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No