

2023:PHHC:121842

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CRM-M-1470-2023 (O&M)
Date of decision: 15.09.2023

Gurdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sultan Singh Gill, Advocate for the petitioner.

Mr. C.L. Pawar, Addl. AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 41 dated 07.03.2022 registered under Sections 392, 395 IPC and later on added Sections 201, 148, 149 IPC, at Police Station Gharinda, District Amritsar Rural.
2. The short reply filed on behalf of the respondent-State is already on record.
3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the FIR has been registered on the statement of Sunny Mahajan working as Accountant in RPB Wine Khasa; that as per the FIR, three muffled faces persons armed with *Datars* entered in their office and looted Rs.5,09,540/- and three were standing outside the office; that the office is situated in a residential area; that two

assailants i.e. Satinder Singh and Manpreet Singh, were identified by the complainant and on their disclosure statement the petitioner along with other accused persons has been indicted and arrested in the present case; that the only allegations against the petitioner is that at the time of alleged occurrence, he was standing outside the office; that the petitioner has been in custody since 08.03.2022 and recovery of Rs.1 lakh has already been effected from the petitioner and that charges have been framed but out of 14 prosecution witnesses, none has been examined so far.

4. Learned counsel for the petitioner further submits that in case FIR No.335 dated 25.11.2020 registered under Sections 452, 326, 324, 323, 427, 148, 149 IPC at Police Station Kamboj, against the petitioner and co-accused, the petitioner is on bail.
5. Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner along with other co-accused persons have looted an amount of Rs.5,09,540/- from the office of Wine Dealer, out of which Rs.1 lakh has been recovered from the petitioner. The petitioner is a habitual offender. However, he does not dispute the custody period of the petitioner. He submits that material witnesses are yet to be examined.
6. I have heard the learned counsel for the parties.
7. The petitioner has been in custody since 08.03.2022. The petitioner was indicted on the disclosure statement of the co-accused, allegedly standing outside the office of Wine Dealer, and the recovery has already been effected. In another case, the petitioner is already on bail. The prosecution witnesses are yet to be examined. Therefore, the conclusion of

the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

8. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

15.09.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No