

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-10911-2023

Date of Decision: 09.08.2023

Sukhpreet @ Sukh @ Sukhpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Piyush Sharma, Advocate,
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

VIKAS SURI, J.

1. The instant petition has been preferred under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.69 dated 13.05.2022, under Sections 395, 450 IPC and Section 25 of Arms Act (Sections 342, 411 and 120-B IPC were added later on) registered at Police Station Makhu, District Ferozepur.
2. Custody certificate of the petitioner dated 08.08.2023, showing the actual undergone period as 01 year, 02 months and 08 days, has been filed by the learned State counsel in Court today. The same is taken on record. A copy thereof supplied to the learned counsel for the petitioner.
3. Learned counsel for the petitioner submits that the petitioner was not named in the FIR and he has been implicated in this case on the basis of a

disclosure statement suffered by his co-accused; a false recovery of country-made pistol was planted upon him; he was arrested on 29.05.2022 and since then, he is in custody, investigation in the FIR has been completed and challan against petitioner and his co-accused Manpreet Singh, Amandeep Singh and Lakhwinder Singh, stands presented on 12.08.2022 and is pending consideration for committal to the Court of Session and petitioner is first offender and not involved in any other case.

4. Learned counsel for the petitioner further submits that his co-accused, namely Amandeep Singh @ Aman @ Sunny, has been granted the benefit of regular bail by this Court vide order dated 07.02.2023 passed in CRM-M-55920-2022 to contend that the trial has yet not started as the *challan* is still pending consideration for committal and therefore, no useful purpose would be served by keeping him behind the bars.

5. *Per contra*, learned State counsel has opposed the bail on the grounds that a specific role has been attributed to the petitioner in the commission of offence and recovery of weapon of offence i.e. country-made pistol has been effected from him. He, however, could not controvert the other factual assertions of the learned counsel for the petitioner as noticed above.

6. I have heard learned counsel appearing on behalf of the respective parties and with their able assistance, have gone through the custody certificate and record of the case.

7. Having considered the submissions of the learned counsel for the parties and keeping in view the actual custody period undergone by the

petitioner; that trial is not likely to conclude at an early date as till date, challan is still pending for committal to the Court of Session; co-accused Amandeep Singh @ Aman @ Sunny having less custody period than the petitioner has been granted the concession of regular bail by this Court, and the antecedents of the petitioner, not being involved in any other criminal case as per the custody certificate, I deem it an appropriate case to enlarge the petitioner on bail.

8. Hence, the instant petition is allowed and petitioner-Sukhpreet @ Sukh @ Sukhpreet Singh is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate concerned.

9. It is, however, made clear that the petitioner shall not influence the trial in any manner directly or indirectly.

10. The observations made hereinabove shall not be construed as an expression on the merits of the case.

August 09, 2023
Harish

(VIKAS SURI)
JUDGE

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