

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24414-2023 (O&M)
Date of Decision:-**30.05.2023**

VISHNU @ PAPPU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Vivek Singla , Advocate
for the applicant/petitioner.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

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KARAMJIT SINGH, J. (Oral)

CRM-23871-2023

Allowed as prayed for and document Annexure P-4 is ordered to be
taken on record subject to all just exceptions.

CRM-23878-2023

In view of the reasons mentioned in the application, the same is
allowed and the main case is ordered to be taken on board today itself.

Main Case

1. Prayer is for grant of regular bail in case having FIR No.57 dated 15.4.2023 registered under Sections 379-B, 379, 341, 34 IPC (Offence under Sections 411, 413 IPC added later on) at Police Station Sadar, District Faridkot.
2. As per the allegations recorded in the FIR, co-accused Arshdeep Singh, Pawanjit Singh and Manpreet Singh were apprehended at the spot and 3 stolen engines were recovered from their possession and there are also allegations that they used to steal engines from the area of Faridkot and on the night intervening between 14/15-4-2023, all 3 of them intercepted complainant Gursahib Singh and snatched his wallet containing Rs.3,000/- and then escaped from there but later on their vehicle fell in a ditch and they were apprehended by the inhabitants of the village and aforesaid recovery was effected from them. Aforesaid Arshdeep Singh suffered disclosure statement wherein he named the present petitioner and other accused namely Vijay Kumar @ Bodh Kumar to be the scrap dealers to whom they used to sell stolen engines and other articles. Consequently the petitioner was nominated as accused and was arrested on 16.4.2023.
3. The counsel for the petitioner *inter alia* contends that the petitioner has been falsely named as accused in the present case and was not named in the FIR and as per prosecution story, his name surfaced in the disclosure statement of Arshdeep Singh, which will be tested during trial. The counsel for the petitioner further submits that alleged recoveries are already effected in this case and presently petitioner is

lodged in judicial custody and that no purpose is going to be served by keeping the petitioner in custody for any longer period. The counsel for the petitioner further submits that similarly situated co-accused Vijay Kumar @ Bodh Kumar has been given concession of interim bail by this Court vide order Annexure P-3.

4. The instant petition is resisted by the State counsel, who on instructions from HC Yadwinder Singh submits that the main accused namely Arshdeep Singh and others used to sell stolen goods to the petitioner and co-accused Vijay Kumar @ Bodh Kumar and Anil Kumar @ Neela, all of whom were working as scrap dealers. However, the State counsel has not disputed the fact that the petitioner who was arrested on 16.4.2023 is presently lodged in judicial custody and the recoveries are already effected in this case and further the petitioner is having no criminal antecedents.
5. I have considered the submissions made by counsel for the parties.
6. Admittedly the petitioner was not named in the FIR and was arraigned as accused on the basis of disclosure statement made by co-accused and the admissibility and veracity of the aforesaid disclosure statement would be tested during the course of trial. Further the recoveries are already stated to be effected in the present case and the petitioner is presently lodged in judicial custody and even after presentation of the challan, it will take considerable time for conclusion of trial. Similarly situated co-accused Anil Kumar @ Neela has already been granted concession of bail by this Court vide order Annexure P-4.

7. In the given circumstances, no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

30.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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