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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-28369-2022 (O&M)

Date of Decision: 13.01.2023

JARNAIL SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. S.K. Arya, Advocate
for the petitioner.

Mr. Subhash Godara, Additional A.G., Punjab.

HARSH BUNGER, J. (Oral)

The present petition has been filed under Section 439 of Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.20 dated 11.01.2022 registered under Sections 392, 342, 506 read with Section 34 IPC, 1860 and Section 25 and 27 of Arms Act, 1959 at Police Station Division B, District Amritsar.

The FIR in question was registered on the basis of a complaint filed by one Manpreet Kaur wife of Jasbir Singh @ Sonu Kanda, alleging therein that two unknown persons came to her house and under the threat of killing her with a sword and by showing a pistol like thing, robbed Rs.2,00,000/- cash, two gold *kara's*, one gold set, two gold rings and four

packets containing gold ear rings in a polythene bag. While going they also took away her mobile phone brand note 10+ Samsung and locked her sister Savleen Kaur and daughter of maid namely Anjali in a room of her house.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case as the petitioner is neither named in the FIR nor was present at the spot. Learned counsel for the petitioner also submits that the alleged occurrence took place on 11.01.2022 at the house of complainant between 3:50 PM to 4:20 PM and as per the FIR some unknown persons have committed the offence at the house of the complainant. It is submitted that on the basis of CCTV footages, vide rapat No.29 dated 15.01.2022 co-accused Sunny and Ladla were arrested in the above said FIR. Learned counsel for the petitioner further submits that no one is injured in this alleged occurrence and the petitioner was arrested only on the basis of disclosure statement given by co-accused Ladla before the Police. Co-accused Ladla allegedly disclosed to Police that he has sold pistol to the petitioner whereupon he was arrested and it is alleged that pistol was recovered from him. Learned counsel for the petitioner submits that nothing was recovered from the petitioner and the alleged recovery of pistol has been planted upon the petitioner. It is submitted that there is nothing to connect the petitioner with the alleged offence. It is contended that investigation in this case is complete and even challan stands presented and no useful purpose would be served by keeping petitioner in custody. Learned counsel further submits that the petitioner herein is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

Custody Certificate dated 12.01.2023 of the petitioner is filed by learned State counsel in Court today, which is taken on record, subject to

all just exceptions.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offences, however it is not disputed that as per custody certificate, the total custody of petitioner is 09 months and 19 days. It is also not disputed that challan stands submitted in this case.

I have heard learned counsel for the parties and perused the paper book as well as the custody certificate of the petitioner handed over by learned State counsel, in Court today.

Petitioner has been nominated as an accused on the basis of disclosure statement of co-accused Ladla. As per custody certificate dated 12.01.2023, the petitioner has undergone 09 months and 19 days of custody. The challan has already been filed in this case and it is informed that the prosecution has cited as many as 26 prosecution witnesses. The trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind the bars.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his

undertaking to the effect that he will not indulge in any illegal activity.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

13.01.2023
Amandeep

(HARSH BUNGER)
JUDGE

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