

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-31793-2022

Date of Decision: 17.5.2023

Sukhwinder Singh @ Sukha

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.0230 dated 15.10.2020 registered for the offences punishable under Sections 302, 394, 34 IPC and Sections 25, 27 of Arms Act (Sections 120-B, 201 IPC added later on) at Police Station Adampur, District Jalandhar.

2. The allegations in nutshell are that 4 persons having muffled faces aged about 25 to 30 years, out of which, 2 were having pistols, entered UCO Bank, Branch Kalra, District Jalandhar and they started looting cash lying in the bank at pistol point and they also started beating security guard, as a result of which, accidental shot was fired from the gun of the security guard but the same hit floor of the bank and in the meantime, one of the said robbers fired pistol shot which hit in the chest of the security guard, as a result of which, security guard-Surinder Pal Singh died at the spot and after looting money from the bank, the said robbers went away from there along

with gun of the security guard. During investigation, co-accused Surjit Singh @ Jeeta was arrested who disclosed the name of the present petitioner and then, the present petitioner was arrested and is in custody since 23.11.2020.

3. Counsel for the petitioner *inter alia* contends that FIR in this case was registered against unknown persons who committed robbery and also killed the bank guard. He further submits that during investigation, the petitioner was arrested but no incriminating article was recovered from his possession. It is further submitted that the trial has commenced and while appearing in the witness box, PW3-Vikas, official of UCO Bank, PW4-Sarabjit Singh another official of the said bank, PW6-Mukul Garg, Assistant Manager, UCO Bank, PW7-Inderjeet Kaur, Peon, UCO Bank, have not identified the accused persons including the petitioner. It is further submitted that it will take considerable time for the trial to conclude as in total, 39 witnesses are to be examined on behalf of the State. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is opposed by the State counsel who has filed affidavit of Sarbjit Rai, DSP, Sub Division Adampur, District Jalandhar (Rural) and the same is taken on record. State counsel submits that the petitioner along with his 3 companions looted UCO Bank and also killed its security guard on 15.10.2020 and that the petitioner was later on arrested and is in custody for the last more than 2 years and 5 months. He has not disputed the fact that during investigation, no weapon or any other incriminating article was recovered at the instance of the petitioner and that it will take time for the trial to conclude. State counsel has also not disputed the fact that during trial, the officials of UCO Bank i.e. material witnesses

are examined and copy of their statements are available on record.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, FIR in this case was registered against 4 unknown persons who killed the bank guard and then looted UCO Bank. During investigation, co-accused Surjit Singh @ Jeeta was arrested and the name of the petitioner surfaced in the disclosure statement made by said Surjit Singh @ Jeeta and veracity and admissibility of the said disclosure statement is subject matter of the trial. The petitioner was arrested on 23.11.2020 but during investigation, no objectionable article was recovered from his possession. During trial, officials of UCO Bank who were present at the time of the occurrence, have been examined but they failed to identify the accused persons including the petitioner. Admittedly, it will take considerable time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 17, 2023
Paritosh Kumar

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