

2023:PHHC:084924

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-30636 of 2023

Date of Decision: July 06, 2023

Davinder Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. J.S. Thakur, Advocate for the petitioner.
Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. At the very outset, learned counsel for the petitioner contends that due to typographical error, the offence under Section 307 IPC was not mentioned and he may be permitted to correct the head note and prayer of the petition. Allowed to do so.

2. The petitioner has moved the present petition under Section 439 Cr.P.C. with a prayer to grant the concession of regular bail to him in case FIR No. 7 dated 11.01.2023 under Sections 382, 506, 34 IPC and Section 25 of the Arms Act and later on added offences Sections 307, 392, 411 and 120-B IPC and Section 27 of the Arms Act registered at Police Station Patara, District Jalandhar Rural.

3. The FIR in the instant case was got registered by Ravinder Saroya, Manager (operation) Kotak Mahindera Bank Limited, Harzara Branch, District Jalandhar. He alongwith other bank officials was present at about 04.20 on 11.01.2023 and one

clean shaven man with mask came towards the cash counter. His accomplice, who was also wearing mask, pointed out pistol on the security guard Balwinder Singh and fired towards the cash counter. However, no one was injured in the said firing incident and they removed the cash from the drawer of the cashier Sakshi by posing a threat. Later on, both the assailants fled away in I-10 car and it was found that they had snatched a sum of Rs. 9,00,140/- from the bank. With these allegations, the FIR in the present case was registered against the petitioners and others.

4. Learned counsel for the petitioner submits that the FIR in the present case was registered against the unknown persons and later on, he was arrested in the present case on 17.01.2023 without any evidence and was illegally picked from his home. Later on, the police had shown the recovery of a car, cash of Rs. 3,90,000/-, certain gold articles worth Rs. 76,000/-, one pistol, one live cartridge and a lap top from him and his co-accused. Learned counsel for the petitioner further contends that the wife of the petitioner is at advance stage of pregnancy and the expected date of delivery is 26.08.2023.

6. The learned State counsel has vehemently opposed the grant of concession of regular bail to the petitioner by contending that one more case is also registered against the present petition. However, he does not dispute the fact that the petitioner is on bail in the said case.

7. I have heard the learned counsel for the parties and perused the record of the case with their assistance.

8. The petitioner in the instant case was arrested on 17.01.2023 and is in custody since then. The prosecution has relied upon 27 witnesses in the final report under Section 173 Cr.P.C., whereas, the charges are yet to be framed. Thus, it is evident that the conclusion of the trial may take quite a long time.

9. In view of the above discussion, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

10. The petitioner shall report every Monday in Police Station Patara, District Jalandhar, till the conclusion of the trial and police shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every Monday in the aforesaid police station, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

July 06, 2023

amit rana

(N.S.SHEKHAWAT)

JUDGE

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