

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

(111+219-1)

CRM-M-32466-2023 (O&M)
Date of decision:- 13.09.2023

Jujhar Singh**... Petitioner****Versus****State of Punjab****... Respondent**

(219-2)

CRM-M-4444-2023**Varinder Singh****... Petitioner****Versus****State of Punjab****... Respondent****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Anil Kumar Spehia, Advocate
for the applicant-petitioner in CRM-M-32466-2023.

Mr. Ramesh Chand Sharma, Advocate
for the petitioner in CRM-M-4444-2023.

Mr. A.P.S.Tung, DAG, Punjab for State-respondent.

SUVIR SEHGAL, J. (ORAL)**CRM-37992-2023 IN CRM-M-32466-2023**

1. Application is allowed as prayed for.
2. Annexures P-4 and P-5 are taken on record.

Main case

1. This order shall dispose of **CRM-M-32466-2023** titled as ***“Jujhar Singh Versus State of Punjab”*** and ***“CRM-M-4444-2023*** titled as ***“Varinder Singh Versus State of Punjab”*** as both the petitioners are accused in the same FIR and they have approached this Court by way of separate petitions seeking grant of regular bail in:-

FIR No.	Dated	Police Station	Sections
0058	19.07.2022	Begowal, District Kapurthala	Section 379-B, IPC and Sections 25 and 27 of the Arms Act, 1959 (later on Sections 482, 201 and 411, IPC were added)

2. For the sake of convenience, facts are being taken from CRM-M-32466-2023.

3. Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Rajat Goloria, wherein he stated that he was working at a Petrol Pump in Begowal. On 19.07.2022 at about 10:55 A.M., three youngmen came in a Ford Figo to get fuel filled in their vehicle. As they wanted to make a card payment, he went towards the fuel dispenser to get the card machine. In the meantime, one of them alighted from the car, pointed a pistol type weapon towards him and the second occupant of the car forcibly snatched Rs.5,000/- and they fled away from the spot. Complainant narrated the incident to the Manager, Surinder Singh, on phone, who immediately came and the FIR was registered.

4. Counsel for the petitioner has contended that both the crucial prosecution witnesses, i.e., the complainant and the Manager of the Petrol Pump, have been examined and they have not supported the case of the prosecution. By making a reference to the testimony of the complainant, counsel submits that he has categorically stated that he has not recorded any supplementary statement in which he has allegedly named the accused and he has refused to identify them, even though they were produced through video conferencing. Counsel asserts that as both the material witnesses have been examined, petitioners deserves to be enlarged on bail.

5. Opposing the petition, State counsel, upon instructions from ASI, ASI, Bakshish Singh, submits that the allegations levelled against the petitioners are serious and both the petitioners are involved in a number of criminal cases. He has filed Custody Certificates dated 12.09.2023, which are taken on record. He has also filed status report by way of an affidavit of Deputy Superintendent of Police, Sub Division Bholath, Kapurthala in CRM-M-4444-2023, which is taken on record. By referring to para 9 thereof, he submits that three out of sixteen prosecution witnesses have been examined.
6. I have heard counsel for the parties and considered their respective submissions.
7. The role allegedly ascribed to the petitioners would remain a subject matter of debate before the Trial Court. Both the vital prosecution witnesses have been examined. Noticing the custody period of more than thirteen months and the stage of the trial, this Court is *prima facie* of the view that the petitioners deserves to be enlarged on bail.
8. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petitions are allowed. Petitioners are ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.
9. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

13.09.2023

(SUVIR SEHGAL)

Kamal

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No