

217/2 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-32351-2023

Date of Decision:14.11.2023

Sarabjit Singh @ Sabbi

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Malkiat S. Hundal, Advocate,
 for the petitioner.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.30 dated 25.02.2022 registered under Sections 392, 506, 511, 120-B of IPC and Sections 25/54/59 of Arms Act, at Police Station Beas, District Amritsar Rural, Punjab.

2. The FIR in the present case was registered on the basis of the statement made by Sandeep Kumar, Manager, Punjab National Bank, Baba Bakala Sahib, District Amritsar. As per him, on 25.02.2022 at about 1.00 p.m., the whole bank staff was present in the Bank and was discharging official functions. All of a sudden, four young men entered the Bank. One of them, took out a pistol and pointed towards the cashier Palwinder Singh and threatened him to hand over the entire cash. However, the cashier apprehended that person and pressed hooter to alert. Remaining three persons fled away from the spot with their respective weapons. However, Sarabjit Singh son of Nirmal Singh, the petitioner was apprehended at the spot.

3. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 25.02.2022 and the recovery of pistol and two live cartridges were planted on him. He further contends that 9 witnesses, out of total 14 witnesses, have been examined so far and the conclusion of the trial may take quite a long time. He next contends that his co-accused Harjit Kaur, has been granted the concession of anticipatory bail, whereas, Hardeep Singh @ Heera and Balwinder Singh have been granted the concession of regular bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner attempted to loot a bank and was arrested at the spot. He further contends that one more case i.e. FIR No.45 dated 18.02.2022 under Section 379-B of IPC and Sections 25/27/54/59 of Arms Act, at Police Station Jandiala was also registered against the present petitioner. However, it is not in dispute that the petitioner is on bail in the said case.

5. I have heard learned counsel for the parties and perused the record.

6. The petitioner was arrested on 25.02.2022 and is in custody for the last more than one year and eight months. No doubt, the allegations levelled against the present petitioner are serious in nature. However, the petitioner can not be confined in jail for an indefinite period. The prosecution has been able to examine 09 witnesses, out of total 14 witnesses, so far and the petitioner has not delayed the trial in any manner. Apart from that, even though one more case was registered against him, but he is on bail in the said case as well.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his

furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner gets involvement in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*

14.11.2023

hemlata

(N.S.SHEKHAWAT)
JUDGE

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