

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.32898 of 2023
Date of decision: 17th July, 2023

Gagandeep Singh @ Ganga

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep K. Bokolia, Advocate for the petitioner.

Mr. Subhash Godara, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.94 dated 10.05.2020 under Sections 379-B(2) IPC (Sections 392, 411, 34 IPC, Section 22 of NDPS Act and Section 25 of the Arms Act, 1959 added later on) registered at Police Station City Moga, District Moga.

2. Learned counsel for the petitioner inter alia contends that the false implication of the petitioner in the FIR in question is evident from the fact that he was neither named therein nor any description of the alleged assailants was given in the FIR in question. Learned counsel submits that the petitioner came to be nominated as an accused on the disclosure statement suffered by co-accused Rajanjit Singh, who stated

that the petitioner was accompanying him when the car of the complainant was waylaid and the complainant and his family robbed of their money etc. He submits that such disclosure statement does not have much evidentiary value, more so in the light of no recovery of any of the articles belonging to the complainant having been effected from him. It has also been brought to the notice of this Court that co-accused Rajanjit Singh, on whose disclosure statement the petitioner was nominated as an accused and from whom recovery of various articles belonging to the complainant and 150 grams of intoxicant powder was effected, has since been extended the concession of bail by a Coordinate Bench of this Court on 19.04.2022. A prayer has therefore, been made for extending the concession of bail to the petitioner as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to controvert that recovery of 150 grams of intoxicant powder was not effected from the petitioner but from co-accused Rajanjit Singh. It has also not been disputed that none of the articles allegedly robbed by the petitioner from the complainant, were recovered from him. However, he submits that the petitioner was an active participant in the crime in question along with co-accused Rajanjit Singh. It has further been submitted by learned State counsel that two out of 24 prosecution witnesses cited have been examined till date and the next

date of hearing fixed before the trial Court is 02.08.2023, when some more prosecution witnesses have been summoned to depose.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has been in custody for more than three years, having been arrested on 14.05.2020, and the trial is unlikely to conclude in the near future as 22 prosecution witnesses still remain to be examined. Co-accused Rajanjit Singh, on whose disclosure statement the petitioner was nominated as an accused, has already been extended the concession of bail by a Coordinate Bench of this Court. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 17, 2023
rps

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