

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34467-2023
DECIDED ON: 25.07.2023

RAJINDER SINGH ALIAS GORA
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Monty Goyal, Advocate and
Mr. Gagandeep Batra, Advocate for the petitioner.

Mr. Karan Puggal, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail in FIR No.0164, dated 02.10.2022 (Annexure P-1), under Sections 222, 224, 225-A, 120-B of IPC, 1860 (Sections 212, 216 of IPC and Sections 25, 54 and 59 of Arms Act added later on), registered at Police Station City-I, Mansa, District Mansa, Punjab.

The contents of FIR read as under:-

Copy of complaint, officer In-charge Police Station City-1, Mansa 1 bal Kishan Singla P.P.S. am posted as Superintendent of Police (Investigation), in District Mansa. Today morning at around 05:30 AM I got information that Deepak @ Tinu son of Anil Kumar resident of Jain Chowk Bhiwani Haryana who was lodged in police remand from dated 27.09.2022 to 07.10.2022 in lock up in Cla Staff Mansa in FIR No.0218 dated 22.08.2019 U/s 302, 34 IPC registered in Police Station Sardoolgarh. This accused is the main leader of the Lawrence Bishnoi Gang. Many cases under heinous crimes like murder, intentional murder. robbery, dacoit in different states. The aforesaid accused had been taken from the CIA Staff, Mansa by the In-charge CIA Staff Mansa SI Pritpal Singh in regard to recovery of weapons from him,

that this accused has absconded from custody. As per the instructions of the officials I was busy in regard to enquiry of this when special informer came and told me that the accused who had absconded from the custody of CIA In- charge Mansa SI Pritpal Singh had absconded under a conspiracy because CIA in-charge SI Pritpal Singh had taken him away alone in his private vehicle from Cla Mansa and had not taken any other security along with him. He and his other accomplices under a conspiracy by taking him alone from the CIA had helped the accused Deepak in absconding from the custody. Other persons could also be involved with him. The accused Deepak having absconded from custody and SI Pritpal Singh In-charge Cla having helped him in absconding from custody completes offence U/s 222, 224, 225-A, 120-B IPC. So the complaint for getting a case registered under aforesaid sections against the accused Deepak and SI Pritpal Singh In-charge CIA is being send to the police station in the hands of Constable Ravinder Singh No.210/Mansa. The FIR number be informed after being registered. During investigation whomsoever comes to light will be named as accused later on. Sd/- Sh. Bal Kishan Singla P.P.S. am posted as Superintendent of Police (Investigation) District Mansa at Police Station City-I, Mansa 02:50 PM. On receiving the complaint in the police station aforesaid FIR in regard to aforesaid offence was registered against the accused Deepal @ Tinu and SI Pritpal Singh In-charge CIA Mansa and the record was completed. Original complaint and copy of FIR are being send in the hands of the constable to Bal Kishan Singla P.P.S. am posted as Superintendent of Police (Investigation) District Mansa on the spot. Copies of FIR are being send in the service of ilaka magistrate and officials in the hands of SCT Navneet Singh No.1528/Mansa. The PCR Mansa is being informed separately through e-mail.”

2. Learned counsel for the petitioner has vehemently argued that the only allegation qua the petitioner is that of facilitation of co-accused namely Jatinder Kaur by providing her the assistance of accompanying her to Tinkoni, Mansa from Ludhiana. It is also asserted on behalf of the petitioner that he is neither the owner of the car, which was recovered, as is evident from the registration certificate of the

vehicle (Annexure P-2) nor any recovery has been effected of any nature from him.

3. The counsel has also submitted that the petitioner has been nominated as an accused on the basis of disclosure statement of co-accused and now the investigation is complete, wherein challan stands filed on 20.12.2022. Till date none of the witnesses have been examined, charges are yet to be framed and the petitioner is in custody since 19.10.2022.

4. Learned counsel for the petitioner has placed reliance to an order dated 12.07.2023 (Annexure P-3) passed in CRM-M-25276-2023, wherein co-accused of the petitioner has been granted the concession of regular bail by the co-ordinate Bench of this Court, who has also suffered almost equal period of custody.

5. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He, on instructions from ASI Dalal Singh asserts that the petitioner was nominated as one of the accused in a case relating to murder of Singer Sidhu Moosewala and, therefore, is not entitled to the concession of regular bail.

6. Be that as it may, there is no cogent material or evidence to connect the petitioner with the commissioning of the offence in the instant FIR, who has suffered incarceration of 9 months and 8 days and not involved in any other case, as is evident from the custody certificate. This very fact is sufficient to convince this Court that the petitioner seems to be a person of clean antecedents added with the fact that out of total 56 witnesses cited by the prosecution, none has been examined till date, as the charges are yet to be framed, which shows that trial is likely to take sufficient time, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying the judgment of the

R.C.R. (Criminal) 131.

7. In light of the above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.
8. The present petition is, hereby, allowed.
9. However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

25.07.2023

Meenu

**(SANDEEP MOUDGIL)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>