

220 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-34702-2023

Date of Decision:26.07.2023

Arshpreet Singh alias Kala

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Sandeep Singh Deol, Advocate,
 for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail to him in case FIR No.285 dated 04.12.2021 registered under Sections 392, 34, 342 of IPC and Section 25 of Arms Act (Sections 395, 201, 120-B IPC added later on, vide rapat No.37 dated 04.09.2022), at Police Station City Tarn Taran.

The FIR in the present case was registered on the basis of the complaint made by Harvinder Singh, Branch Manager, HDFC Bank, Jandiala Road, Tarn Taran. As per the complainant, at about 3.15 pm on 04.12.2021, the complainant was working in the bank and he noticed that one person in uniform had entered the cashier Counter No.3, 4 and 5 after opening the door. In the meantime, somebody screamed and he came out of his office and saw that the person in uniform was carrying a pistol. He stopped there and saw that the bank guard Sarabjit Singh was also standing there and a person wearing a turban had

pointed his pistol at the guard. As per the complainant, the bank staff and other customers were held captive and the cash amount of Rs.30,65,489/- was looted from the bank. Consequently, the FIR in the present case was registered against two unknown persons.

Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. It has been falsely alleged by the prosecution that the petitioner had suffered an extra judicial confession on 21.12.2021 in the presence of Palwinder Singh, President of Taxi Union. In fact the petitioner had no concern with Palwinder Singh, before whom, he allegedly suffered extra judicial confession. He further contends that a false recovery of one pistol of .32 bore along with two live cartridges, police uniform and currency note of Rs.7,48,000/- had been planted on him by the local police. Even the prosecution could not collect any evidence to connect the alleged recoveries with the commission of crime in any manner. Learned counsel further contends that PW-1-Pawandeep Kaur and PW-2-Rupinder Kaur had already been examined by the prosecution, but both the said witnesses had failed to identify the present petitioner in their examination-in-chief.

On the other hand, learned State counsel has vehemently opposed the grant of concession of bail to the petitioner on the ground of gravity of offence by submitting that the petitioner and his co-accused had looted huge amount from the bank and had held the entire bank staff captive.

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

It is not in dispute that the petitioner was arrested in the present case on 20.07.2022. Out of total 29 witnesses, two main witnesses, PW-1-Pawandeep Kaur and PW-2-Rupinder Kaur have already been examined during the course of trial and both the star witnesses of the prosecution have refused to identify the present petitioner in their examination-in-chief. Since the trial is at an initial stage and the conclusion of the trial will take quite a long time, further incarceration of the petitioner would serve no meaningful purpose.

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.

26.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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