

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37295-2023

Decided on : 28.11.2023

Sukhdeep Singh @ Deep and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Imaan Singh Khara, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. AG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.48 dated 21.03.2023 under Sections 109, 212, 216 and 120-B IPC and 25, 27, 54 and 59 of Arms Act registered at Police Station Shahkot District Jalandhar Rural.

2. Learned counsel for the petitioners *inter alia* contends that they have been falsely implicated in the case at hand for allegedly providing motorcycle to Amritpal Singh, an accused in FIR No.47 dated 21.03.2023 under Sections 386, 506, 148 and 149, IPC and Sections 25, 27, 54 and 59 of the Arms Act, 1959 registered at Police Station Shahkot. While drawing the attention of this Court to FIR, which has been annexed as Annexure P-1, it has been submitted that it is a matter of record that the petitioners were neither named in the FIR nor any specific role had been assigned to them therein.

Learned counsel has further submitted that it was only pursuant to a disclosure statement allegedly suffered by co-accused Manpreet Singh @ Manna, that the petitioners came to be nominated as an accused and arrested on 23.03.2023. Learned counsel has vehemently argued that the evidentiary value of such disclosure statements are of a weak nature and other than the aforementioned disclosure statements there was no cogent evidence on record from which it could be even remotely inferred that the petitioners had either harbored Amritpal Singh or facilitated his escape in any manner. While drawing the attention of this Court to Annexure P-3, learned counsel has submitted that even the co-accused had since been extended the concession of regular bail by this Court. It has been still further submitted that the petitioners have clean antecedents as they are not involved in any other criminal case much less a case of similar nature. Learned counsel has thus, prayed for extending the concession of regular bail to the petitioners as there is no likelihood of the trial concluding in the near future more so, since after the presentation of challan, charges have not yet been framed. It has also been submitted that even the allegations under the Arms Act have not been attributed to the petitioners, and in these circumstances, their 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 dispute that the petitioners were not named in the FIR and were nabbed only on the basis of disclosure statement allegedly suffered by co-accused Manpreet Singh @ Manna. It has also not been controverted that the petitioners are not involved in any other case, however, it has been submitted that the petitioners

along had tried to harbour a fugitive Amritpal Singh by providing him two motorcycles, which were found to be registered in the name of the father of petitioner no.2 and another motorcycle, which was registered in the name of petitioner no.1.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. The petitioners have been in custody since 23.03.2023. Investigation is complete as challan stands presented. There is no likelihood of the trial concluding in the near future as charges have not yet been framed. As not disputed by the State counsel, the petitioners are not involved in any other criminal case. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners. Accordingly, the instant petition is allowed. The petitioners are admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

7. 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. Needless to add, in case the petitioners are found misusing the concession of bail granted to them by this Court or is found involved in any other criminal case, the respondent-State would be at liberty to seek cancellation of bail granted to them by this Court.

28.11.2023
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(MANJARI NEHRU KAUL)
JUDGE

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