

CRM-M-41903-2023

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. 2023:PHHC:144339

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

SR. No.233

CRM-M-41903-2023

Date of decision:08.11.2023

Palwinder Singh @ Roori

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. B.S. Jaswal, Advocate for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S. SHEKHAWAT, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.197 dated 22.12.2019 registered under Sections 379-B (2) IPC at Police Station Majitha, District Amritsar.

2. As per the case of the prosecution, FIR in the present case was registered on the basis of the statement made by Harjot Singh @ Heera, wherein he stated that at about 2.00/2.15 PM on 22.12.2019, he was coming to his house after doing household works. When he reached little short of his village, three young men came on a motorcycle and a person, who was sitting on the pillion seat, threatened to kill him by showing him an iron Kirch. They snatched the mobile phone of the complainant after showing him the Kirch. As per the complainant, he personally traced those three

persons along with his family members and found that the names of those persons were Gurpreet Singh son of Kashmir Singh Kadhi son of Dilbagh Singh and Palwinder Singh @ Roori resident of Nangli Bhatha. With these broad allegations, FIR in the present case was registered against the petitioner and others.

3. Learned counsel for the petitioner submits that the alleged occurrence had taken place at about 2:00 PM on 22.12.2019 and the FIR was got registered by the complainant at about 07.15 PM on 22.12.2019 by naming all the three accused. As per the complainant, he verified the facts at his own level and named the three accused which is highly unbelievable. He further contends that the petitioner was arrested in the present case on 16.02.2023 and after completion of the investigation, final report under Section 173 Cr.P.C. has already been presented by the police. He also contends that the petitioner has been falsely involved by the complainant with some ulterior motive and his further custody will not serve any useful purpose.

4. On the other hand, learned counsel for the State has vehemently opposed the prayer made by the learned counsel for the petitioner by submitting that there are serious allegations against the petitioner and he has been specifically named

5. I have heard the learned counsel for the parties and perused the case file minutely.

6. Short reply dated 08.11.2023 filed in Court is taken on record.

7. In the present case, the petitioner was arrested on 16.02.2023 and he is in custody for the last more than 08 months. The investigation is

complete and challan has already been presented before the competent court. Even the prosecution has failed to place on record any evidence to show that the petitioner is in a position to influence the witnesses. Even though, one more case was registered against the petitioner, however, the petitioner has already been acquitted in the said case.

8. 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.

08.11.2023
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO