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

**CRM-M-51425-2021
Date of Decision: 31.01.2023**

Harnek Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ranbir Singh Sekhon, Advocate
for the petitioner.

Mr. Vinay K.Gupta, AAG, Punjab.

HARSH BUNGER J. (ORAL)

Present petition is filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.64 dated 23.06.2021 (Annexure P-1), under Section 392 IPC read with Section 34 IPC and Sections 25 & 27 of the Arms Act (Sections 336 and 379-B IPC added later on), registered at Police Station Kulgari, District Ferozepur.

Succinctly, facts of the case are that the FIR (Annexure P-1) is registered on the statement of complainant, namely Makhan Singh s/o Jaswant Singh, who is working as a Salesman with M/s Sachin Wine Group at Village Sher Khan. On 21.06.2021, at about 10:30 P.M., when the complainant was taking his meals after locking the gate of Wine Shop by iron rod, however the shutter of the shop was kept open, four youngsters with muffled faces came riding on two motorcycles, whereupon one of them

opened the gate of shop by removing the iron rod and pursuant thereto, all of them came into the shop. Thereafter, one of those four persons put pistol upon the complainant, who stepped back due to fear, and those persons robbed the shop and ran away from the spot. In the meantime, another Salesman, namely Sandeep Singh, came to the spot and informed about the said robbery to their Incharge on telephone. Thereafter, the present FIR was registered against unknown persons.

Learned counsel for the petitioner submits that the petitioner was not named in the present FIR (Annexure P-1) as the same was registered against some unknown persons. It is further submitted that there is an unexplained delay of two days in lodging of the present FIR (Annexure P-1) and the complainant has also not mentioned the registration number of any of the motorcycles in question. It is stated that there is also no eye-witness to the alleged occurrence. It is submitted by learned counsel for the petitioner that the total custody of petitioner is one year, five months and nineteen days, as on 17.01.2023. Learned counsel further submits that the investigation of the case is complete, challan has been presented on 17.01.2022 and even charges have been framed on 04.05.2022. It is further stated that the petitioner herein is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

Custody Certificate dated 17.01.2023 of the petitioner is filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offences. He further

submits that the petitioner is also involved in another case, being FIR No.135 dated 05.07.2021, under Section 392 IPC and Sections 3 & 25 of the Arms Act, registered at Police Station Rupangarh, however, he fairly states that the petitioner is on bail in the said case. Further, learned State counsel does not dispute the fact that challan has been presented on 17.01.2022 in the present case and even charges have been framed on 04.05.2022. It is also conceded by learned State counsel that as per custody certificate, the total custody of petitioner is one year, five months and nineteen days, as on 17.01.2023.

I have heard learned counsel for the parties and perused the paper book as well as the custody certificate of petitioner handed over by learned State counsel, in Court today.

As per custody certificate dated 17.01.2023, the petitioner has already undergone one year, five months and nineteen days of custody, as on 17.01.2023. The investigation in the matter is complete and the challan stands presented on 17.01.2022 and even charges have been framed on 04.05.2022. The trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind bars.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing heavy bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency

of case/trial and any change in the address shall be communicated to the

concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity. The petitioner shall also appear before the concerned Police Station/Station House Officer on every alternate Monday till the conclusion of trial.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

31.01.2023*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No