

CRM-M-46745-2023 (O &amp; M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-46745-2023 (O & M)****Date of decision: 20.10.2023**

Sunny PA

.... Petitioner

V/s

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**Present: Mr. B.S. Jaswal, Advocate,  
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

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**JASJIT SINGH BEDI, J. (Oral)**

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.08 dated 08.01.2021 under Sections 379-B IPC and Sections 25/27 of the Arms Act, 1959 and under Sections 379-B (2) IPC (added later on vide DDR No.15 dated 03.12.2021) at Police Station Majitha, Distt. Amritsar.

2. The brief facts of the case are that the aforementioned FIR was registered on the basis of the statement of Bhola Singh son of Bir Singh who stated that on 07.01.2021 at about 7/8 p.m., he alongwith his cousins Sukhwinder Singh and Preet Singh were going towards the departmental store for purchasing the household items. When they reached near the Government Elementary School, some unidentified persons came on a motorcycle. The pillion riders was armed with *daater* and the other pillion rider who was armed a pistol alighted from the motorcycle. The pillion rider armed with *daater* gave a blows with the same on the head of Sukhwinder Singh and demanded money from them. On raising a hue and

cry, the aforementioned persons fled away from the spot after snatching

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mobile phone of Sukhwinder Singh. He had stated that he had come to know that the name of the person who had caused the injury on the head of Sukhwinder Singh was Hardeep Singh @ Golu.

During investigation, Hardeep Singh @ Golu was arrested on 12.10.2021 and suffered a disclosure statement stating that he alongwith the petitioner and co-accused Sunny (actual name Sandeep Singh) had snatched the mobile phone from Sukhwinder Singh and the *daater* used by him during the occurrence was recovered at his instance from the backside of his house. He further stated that snatched mobile phone had been kept by the petitioner. On the basis of the disclosure statement, the petitioner and his co-accused Sunny were nominated in the present case vide DDR No.15 dated 13.10.2021.

The report under Section173(2) Cr.P.C. was submitted against Hardeep Singh @ Golu on 07.01.2022, who was convicted under Section379-B(2) IPC by the Additional Sessions Judge, Amritsar and sentenced to undergo rigorous imprisonment for a period of 10 years vide judgment dated 22.11.2022.

The petitioner was arrested on 17.09.2022 and during his custodial interrogation, disclosed that he had thrown the snatched mobile phone in the canal. Therefore, Section 201 IPC was added vide GDNo.22 dated 17.09.2022.

Co-accused Sandeep is still absconding and was declared a proclaimed offender on 06.10.2022.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. In fact, he had not been named in the FIR but only in the disclosure statement of his co-

granted the concession of bail by this Court vide order dated 05.08.2022 (Annexure P-3). As the petitioner was in custody since 17.09.2022, none of the 25 prosecution witnesses had been examined so far and he was a first-time offender, he was entitled to the concession of bail.

4. The learned counsel for the state while referring to the reply dated 20.10.2023, on the other hand, contends that the petitioner and his co-accused had committed a grave offence for which Hardeep Singh @ Golu had already been convicted. Therefore, the petitioner was not entitled to the grant of bail. He, however, concedes that the petitioner is a first-time offender, in custody since 17.09.2022 and none of the 25 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, co-accused/Hardeep Singh @ Golu named in the FIR who had been subsequently convicted was granted the concession of bail vide order dated 05.08.2022 (Annexure P-3). The petitioner is in custody since 17.09.2022, none of the 25 prosecution witnesses have been examined so far and he is a first-time offender. In this situation, the further incarceration of the petitioner is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Sunny PA is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any case other than the present one.

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9. If any attempt whatsoever is made by the petitioner and/or his family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

10. In addition, the petitioner (or someone else on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

**( JASJIT SINGH BEDI)**  
**JUDGE**

**October 20, 2023**  
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No