

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

CRM-M-50729 of 2022 (O&M)

DECIDED ON: 23rd January, 2023

Avtar Singh @ Vicky

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. L.S. Sidhu, Advocate for petitioner.
Mr. Iqbal Singh Mann, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

This is second petition for bail in case of FIR No. 93 dated 4.8.2021, under Sections 379-B/341/473/411/34 IPC and 25/27 of Arms Act, 1959 registered at Police Station Sadar Moga, District Moga.

Earlier petition was dismissed as withdrawn on 10.8.2022.

Bail is sought on the basis of parity with co-accused - Parwinder Singh @ Pinda, who was granted bail by this Court on 29.8.2022, by passing the following orders:

" Prayer in this 3rd petition is for grant of regular bail in FIR No.93 dated 04.08.2021 under Sections 379-B, 341, 473, 411, 34 IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station Sadar Moga, District Moga; earlier two petitions were dismissed as withdrawn on 10.01.2022 and 06.04.2022.

Learned counsel for the petitioner submits that new ground for filing this petition is that now the investigation is complete; the petitioner is in custody for the last about 01 year; he is not involved in any other case; challan stands presented; charges have been framed and till date, no prosecution witness has been examined, therefore, it will take some time in conclusion of the trial.

Brief facts of the case are that complainant Gurmeet Singh recorded a statement that he is working as Patwari in Block Development and Panchayat Samiti. On 01.08.2021, he was returning back in his car and when he crossed the toll plaza and stopped the car for easing, four unidentified persons came on the motorcycle and forcibly snatched key of the car and fled away. Thereafter, he narrated the incident to his maternal uncle Kikkar Singh and they were searching the car at their own, which is valued Rs.1.50 lac.

Learned counsel has argued that the FIR was registered after a gap of four days and on the basis of supplementary statement of complainant Gurmeet Singh, the petitioner was nominated in the present case and the car was recovered. It is further submitted that one more accused Avtar Singh has also been arrested.

Learned State counsel has filed the custody certificate in the Court today, according to which, the petitioner is in custody for the last 01 year and 10 days and is not involved in any other case. It is not disputed that in the case, charges have been framed, however, till date, no prosecution witness has been examined.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of. "

Learned State counsel opposes the prayer for bail but on instruction is not able to distinguish parity of petitioner viz-a-viz co-accused so far as grant of bail is concerned.

Without commenting upon the merits of the case and on the basis of parity of petitioner with co-accused, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

23rd January, 2023
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Whether speaking/reasoned *Yes*
Whether reportable *No*