

231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49604-2023

Date of decision : 30.11.2023

PALWINDER SINGH @ PINDU

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Amit Arora, Advocate for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.04 dated 02.01.2023 registered for the offences punishable under Sections 397, 34 IPC and Section 25 of Arms Act, 1959 (offence punishable under Section 25 of Arms Act deleted and under Section 201 IPC added later on) at Police Station Goindwal Sahib, District Tarn Taran.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. FIR was registered on the statement made by one Shad son of Sahid Mohhammad, alleging as under :

“xxx It is stated that I am resident of above mentioned address and used to do as labour work. On dated 17.12.2022 we, that is I and my brother Suheb and my uncle Hussain Mohammad all

three of us have come to Kartar Rural Mill for repairing the machinery and as per our delay routine we used to go to have our meal at Sukhe Da Dhaba. Today on dated 01.01.2023 at about 08:00 PM we all three going to have our meal at the Dhaba and when we reached near the Norolak factory then from the behind three young person came on the motorcycle and their faces were muffled and they stopped their motorcycle near to us and snatched the mobile phones and money from us. My brother Suheb objected to them and they started pushing him and fired gunshot upon my brother which hit on the right side of his stomach and my brother fell down and I raised hue and cry and in the meantime the said persons ran away from the spot on their motorcycle. We after arranging the vehicle from the factory got him admitted to Civil Hospital Tarn Taran where since the condition of the patient was deteriorating as such he was referred to Sh. Guru Nanak Dev Hospital, Tarn Taran where at present my brother is under treatment. I have got recorded my statement before you and same is read over and admitted to be true, Sd/-xxx”

4. The petitioner is stated to have been arrested in another FIR i.e FIR No.7 dated 3rd of January, 2023 *qua* offences punishable under Sections 302, 506, 148, 149 of IPC and Section 25 of Arms Act at Police Station Goindwal Sahib wherein it is claimed that he suffered a confessional statement in police custody admitting his role in the present FIR.
5. Learned Counsel for the petitioner submits that the confessional statement that too in police custody being a very weak piece of evidence cannot be relied upon.
6. Per contra, State Counsel has opposed the bail plea asserting

that the petitioner was identified by the complainant in the test identification parade and thus apart from the confessional statement there is cogent piece of evidence that links the present petitioner to the present FIR.

7. Faced with the situation counsel for the petitioner asserts that as per the contents of the FIR the specific allegation is that the culprits were having muffled faces and thus it is highly improbable that the complainant will identify the present petitioner.

8. In view of above, without commenting on the merits of the case and keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 30, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No