

CRM-M-51161-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51161-2023
Date of decision: 02.12.2023

Chandan Singh @ Chand

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Malkiat S. Hundal, Advocate,
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

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SANJIV BERRY, J. (ORAL)

1. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
02	05.01.2022	Sections 379-B(2), 201, 120-B, 216 IPC and Sections 25 of the Arms Act	P.S. Sadar Patti, Tarn Taran

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He further contends that petitioner was nominated in the aforesaid FIR during his interrogation in another FIR and he has no role in the alleged

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occurrence. He contends that the petitioner is in custody since 16.02.2022 and as such he prays for grant of concession of bail to the petitioner.

3. Per contra, learned State counsel opposed the bail application contending that petitioner is a habitual offender and is also involved in another case as well. However, he admits that nothing is to be recovered from the present petitioner qua the aforesaid FIR in question and the petitioner is in custody since 16.02.2022.

4. Considering the rival contentions and perusing the record, it transpires that the instant FIR was registered at the instance of complainant, namely Nahar Singh, who was working as recovery agent in Satin Credit Care Network Limited. He along with one Lovepreet Singh were going on motorcycle bearing No. RS-05-55670 to Village Dhagana for collecting installments from centre leader. At about 2/2.30 P.M. four persons, who were on another motorcycle, stopped their motor cycle, one of them aimed his pistol on complainant and other two started searching their pockets and snatched the kit, containing a tablet, mobile as well as cash amount from the complainant. All of them fled away from the spot.

5. It further transpires that during the investigation, it was found that the present petitioner-Chandan Singh @ Chand including the other accused namely Varinder Singh @ Ambu, Rashpal Singh, Karandeep Singh @ Karan, Harpreet Singh @ Happy were arrested in another FIR No. 18 dated 11.02.2022 under Sections 399, 402, 216 IPC and Section 25 of the Arms Act, registered at Police Station Sadar Patti, District Tarn Taran and

during interrogation they disclosed their involvement in the present occurrence. Keeping in view the fact that the petitioner is in custody since 16.02.2022 and challan already being presented on 16.04.2022 and also the fact that till date no prosecution witness has been examined out of 19 witnesses cited, the conclusion of trial will take sufficient long time; criminal liability, if any, on the petitioner, could only be determined after conclusion of trial, therefore, no useful purpose would be served by keeping the petitioner behind bars any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

02.12.2023
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |