

CRM-M-52277-2023 (O& M)
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-52277-2023 (O & M)
Date of decision: 12.12.2023

Dilpreet Singh @ Bhana

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Simranjeet Singh Sarwara, Advocate,
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in case FIR No.57 dated 18.11.2022 under Sections 392, 506 IPC and Sections 25, 54, 59 of the Arms Act, 1959, registered at Police Station Sadar Morinda, Rupnagar.

2. The present FIR came to be registered at the instance of one Rajinder Kaur, Post Master, Sub-Post Office, village Dumna, District Rupnagar who stated that on 18.11.2022, while she was present at her office, two persons came outside the post-office, one of whom was a Sikh and wearing a *parna* on his head and another was a short-hair person who had wrapped himself in a *shawl*. Both the said persons came inside the post-office and on pistol point, took away an amount of Rs.25,194/- after threatening her with dire consequences.

Pursuant to the registration of the FIR, on 29.11.2022, the petitioner-Dilpreet Singh @ Bhana and his co-accused were arrested by the police of Police Station Ghanaur, District Patiala in FIR No.157 dated 28.11.2022 under Sections 392, 379-B, 279-A IPC, 25 Arms Act, 1959, Police Station Ghanaur, District Patiala, wherein they suffered a disclosure statement stating that they had committed the present offence as well. Thereafter, the petitioner was arrested on 19.12.2022 in the present case.

During investigation, it was revealed that on 18.11.2022, Amandeep Singh Sarpanch and Narinder Singh had gone to Sub-Post Office after borrowing a motorcycle bearing No.PB-12-M-6759 of one Sukhwant Singh @ Sukha. Amandeep Singh Sarpanch had wrapped himself in a *shawl* and was carrying a gun whereas Narinder Singh was wearing a *parna*. Dilpreet Singh (petitioner) was waiting outside in a car. The car bearing No.PB-71-A-7727 had been recovered from him and his co-accused in FIR No.157/2022. Rs.860/- of the robbed amount came to be recovered from the petitioner. Sukhwant Singh @ Sukha whose motorcycle had been used by the accused to go to the post-office was joined in the investigation and the accused were got identified from him.

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, his name cropped up when he was arrested in another case. The disclosure statement suffered in the other case cannot be read in evidence of the present case. As the petitioner was in custody since 19.12.2022 and only 04 of the 18 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime

4. The learned counsel for the State, on the other hand, has filed a reply dated 12.12.2023, which is taken on record. While referring to the said reply, she contends that the petitioner and his co-accused had committed a grave offence and therefore, he was not entitled to the concession of bail. She, however, concedes that the petitioner was in custody since 19.12.2022, out of the 18 prosecution witnesses, 04 had been examined, 02 had been given up and as many as 12 other witnesses are yet to be examined.

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

6. The veracity of the prosecution case against petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, he is in custody since 19.12.2022 and as many as 12 prosecution witnesses still need to be examined. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Dilpreet Singh @ Bhana is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case/crime other than the case(s) referred to in this order.

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

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10. In addition, the petitioner (or anyone 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.
11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 12, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No