

CRM-M-56714-2023
Date of decision: 16.11.2023

Harjit SinghPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.S. Dhindsa, Advocate
for the petitioner.

Mr. I.P.S.Sabharwal, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. seeking regular bail in a case bearing FIR No.77 dated 27.05.2023 under Sections 399/402 of IPC registered at Police Station Chattiwind, District Amritsar Rural (Annexure P-1).

Brief facts of the case are that on 27.05.2023, an informer came and informed Sub Inspector Tarlok Singh that Sahil son of Ramesh Kumar, Gurveer Singh son of Palwinder Singh, Baljit Singh son of Balkar Singh, Harjit Singh son of Kuldeep Singh and two other unknown persons armed with sharp and deadly weapons were preparing to commit robbery at some place and if raid was conducted, they will be caught with deadly weapons and it was also alleged by the informer that they had also committed robbery at Amritsar on 26.05.2023 and were also having the stolen motorcycles with them.

Learned counsel for the petitioner *inter alia* contends that the perusal of the FIR would indicate that the FIR was lodged against four persons

CRM-M-56714-2023**-2-**

and the alleged recovery of money is effected from Sahil, Gurveer and Baljit. Nothing has been recovered from the present petitioner and one sword has been planted on the petitioner by the police.

Learned counsel for the petitioner further contends that the petitioner has been involved in the case on the basis of suspicion and one FIR bearing No.122 dated 27.05.2023 with regard to the same incident has been registered under Sections 379-B (2)/427/34 of IPC at Police Station Maqboolpura, District Amritsar City. The name of the petitioner was involved in the above FIR only on the basis of disclosure statement of co-accused-Sahil. The case of the prosecution is based on secret information and the allegation contained therein are most implausible and improbable.

Per contra, the learned State counsel opposes the grant of regular bail to the petitioner on the ground of gravity of offence.

Having heard learned counsel for the parties and perusing the records of the case, it transpires that the petitioner is behind the bars for more than 05 months. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court on 28.07.2023. There are 08 prosecution witnesses and trial of the case is yet to be commenced as none of the prosecution witnesses has been examined so far.

Keeping in view the period of incarceration and since the challan has already been presented against the petitioner and the likelihood of trial being prolonged, the present petition is allowed. Culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Thus, without commenting upon the merits

CRM-M-56714-2023

-3-

of the case lest it may prejudice the outcome of the trial, the petitioner-Harjit Singh is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

16.11.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No