

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRM-M-61545-2023
Date of decision: 22.12.2023

GURBIR SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Madhur Sharma, AAG, 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 and 473 (added later on) of IPC registered at Police Station Chattiwind, District Amritsar Rural (Annexure P-1).

2. 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.

3. Learned counsel for the petitioner *inter alia* contends that the

perusal of the FIR would indicate that the FIR was lodged against four persons and among them, main accused is Sahil. Co-accused Harjit Singh has already been granted the concession of regular bail by this Court in case bearing CRM-M No.56714 of 2023 dated 16.11.2023 (Annexure P-4). The investigation is complete and the petitioner is behind the bars since 27.05.2023.

4. Per contra, learned State counsel opposes the grant of regular bail to the petitioner on the ground of gravity of offence and that the petitioner suffered a disclosure statement that he along with other co-accused i.e. Sahil, Harjit Singh and Baljit Singh had robbed the Manager of Sedofax Courier, Maqboolura and taken Rs.5,18,604/-.

5. Having heard the learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars for almost 7 months. The investigation is complete and the final report under Section 173 Cr.P.C. was presented before the concerned Court on 28.07.2023. The co-accused has already been granted regular bail by this Court in case bearing CRM-M No.56714 of 2023 dated 16.11.2023 (Annexure P-4).

6. Keeping in view the period of incarceration suffered by the petitioner 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 the trial. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Gurbir 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.

7. 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.

December 22, 2023
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(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |