

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-4560-2024

Date of Decision:-05.02.2024

Gurwinder Singh @ Sunny.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Gobind Singh Randhawa, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.207 dated 30.10.2022 under Sections 379-B IPC registered at Police Station Beas, District Amritsar Rural.

2. The present FIR came to be registered at the instance of Avtar Singh, Manager of a petrol pump who stated that on 27.10.2022 at about 6.25 pm two boys came to the pump on a motor cycle with muffled faces. They got oil filled through an employee Lakhbir Singh and suddenly one boy alighted from the motor cycle and took out a pistol and pointed the same towards Lakhbir Singh and asked him to give money failing which a shot would be fired at him (Lakhbir Singh). Then the unknown youth snatched Rs.5,000/-. On seeing this he (complainant) chased the youth on which they fled away.

On 28.05.2023 the complainant made a supplementary

statement that he had come to know the names of the persons who had committed snatching as Gurwinder Singh @ Sunny (petitioner) and Karan Singh (since granted bail vide order dated 21.12.2023 passed in CRM-M-63365-2023). Accordingly, they were nominated as accused in this case and were arrested on 16.06.2023. The arrested accused made disclosure statements stating that the snatched money had been spent by them.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact no one had been named in the FIR and the name of the petitioner and his co-accused came up only on 16.06.2023 on the supplementary statement of the complainant. The said statement was based on absolutely no evidence. As the petitioner was in custody since 16.06.2023 and none of 13 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and, therefore, he was entitled to the concession of bail, moreso when his co-accused had been granted the similar concession.

4. The Counsel for the State on the other hand contends that serious allegations had been levelled against the petitioner and his co-accused. Offences of this kind were on the rise. Therefore, the petitioner was not entitled to the concession of bail, moreso when he was an accused in 03 other cases. He however concedes that the co-accused had been granted bail, that the petitioner is in custody since 16.06.2023 and that none of the 13 prosecution witnesses had been examined so far.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial.

Admittedly, the petitioner is in custody since 16.06.2023 and none of the 13

prosecution witnesses have been examined so far. 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-**Gurwinder Singh @ Sunny** son of Sh. Gurdeep Singh 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 crime other than the cases mentioned in this order.

9. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

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

February 05, 2024

Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No