

CRM-M-6845-2024

Date of Decision:20.02.2024

SHAMINDER LAL ALIAS RAHUL

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Jaspreet Singh Brar, Advocate
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J.
Prayer in the second petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.092 dated 06.07.2023 registered for the offences punishable under Sections 384 and 336 of IPC and Section 25 of Arms Act, 1959 (Section 120-B and 212 of IPC added later on) at Police Station Jaitu, District Faridkot.

2. The allegations in nutshell are that on 06.07.2023, three unknown motor cyclists reached near Charni Da Dhaba in area of Jaito Gali and tried to extort money from the inhabitants of that area by extending threats to them and they also fired in the air. Later on, petitioner, Khushpreet Singh @ Golu and Surinder Pal were nominated as accused being the persons who fired in the air at the time of aforesaid occurrence. Later on, present petitioner was arrested in the present case on 21.07.2023.

3. Counsel for the petitioner submits that the petitioner is falsely nominated as accused in the present case on the basis of disclosure statement made by co-accused Deepak Kumar, which will be tested during trial and that petitioner is in custody for the last 7 months and during investigation, no weapon was recovered from his possession and that it will take considerable time for the trial to conclude and similarly situated co-accused Khushpreet Singh @ Golu is already given benefit of regular bail by this Court vide order dated 24.01.2024 (Annexure P-4).

4. Present petition is resisted by the State counsel, who on instructions from ASI Sikander Singh submits that petitioner was arrayed as accused on the basis of disclosure statement made by co-accused Deepak Kumar and was arrested on 21.07.2024 and after completion of investigation, challan stands presented by the police. However, State counsel has not disputed the fact that similarly situated co-accused Khushpreet Singh @ Golu is already enlarged on bail vide order dated 24.01.2024(Annexure P-4) passed by this Court and that trial is at its initial stage.

5. Counsel for the petitioner submits that no doubt that the petitioner is also involved in one other criminal case but in the said case the petitioner is already granted bail. This fact is not disputed by the State counsel.

6. I have considered the submissions made by the counsel for the parties.

7. Admittedly, the petitioner was not named in the FIR which was registered against three unknown persons who fired in the air and

pled to extort money from the residents of that area. The petitioner was

nominated as accused on the basis of disclosure statement made by co-accused. Veracity and admissibility of the same will be tested during trial. The petitioner is in custody for the last more than 7 months and no weapon was recovered from his possession. In the other criminal case faced by the petitioner he is stated to be on bail.

8. Admittedly, it will take time for conclusion of trial. Thus, no useful purpose is going to be served by prolonging the judicial custody of petitioner for any further period.

9. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.02.2024

Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

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