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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-7829-2024

Date of decision: 20.02.2024

Shagandeep Singh @ Shagni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Tarun Singla, Advocate for the petitioner.

Mr. Baljinder Singh, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case having FIR No.147 dated 12.07.2023, under Sections 399, 402 of IPC and Sections 25, 27 and 30 of Arms Act (Section 307 and 201 of IPC added later on), Police Station City Rampura, District Bathinda.

2. The case of the prosecution in nutshell is that the police had received a secret information on 12.07.2023 that accused persons named in the FIR and some unknown persons assembled in an abandoned brick kiln, all armed with deadly weapons and were planning to commit robbery. The information being reliable, FIR was registered against the disclosed persons. Then the police raided the said spot from where co-accused

Gurpreet Singh @ Gopi was arrested along with one pistol of 7.65 mm. The petitioner was later on nominated as accused on the basis of disclosure statement made by co-accused and was arrested in this case on 17.08.2023.

3. Counsel for the petitioner submits that the petitioner was falsely implicated in the present case and is in custody since 17.08.2023 and during the course of investigation, no incriminating article was recovered from his possession and on completion of investigation, the police had presented the challan and presently, the petitioner is lodged in judicial custody and trial is at its initial stage. Counsel for the petitioner further submits that co-accused Gurpreet Singh @ Gopi and Manoj Kumar @ Moji who were named in the FIR have already been given the benefit of regular bail by this Court vide orders (Annexures P-2 and P-3 respectively).

4. The present petition is resisted by the State counsel who submits that during the course of investigation, it was revealed that the petitioner was also involved in the present case and resultantly, he was nominated as an accused and arrested on 17.08.2023. However, the State counsel on instructions from ASI Gurmel Singh has not disputed the fact that no incriminating article was recovered from the possession of the petitioner during the investigation of the case and further the trial will commence only after framing of the charges and for that purpose, the date before the trial Court is fixed for 04.03.2024.

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

6. It appears that the petitioner was not named in the FIR but later on nominated as an accused on the basis of disclosure statement made by

co-accused and the veracity and admissibility of any such disclosure statement is subject matter of the trial. The petitioner was arrested on 17.08.2023 and during the course of investigation, no weapon was recovered from his possession and after completion of the investigation, challan has been presented but charges are yet to be framed and only thereafter, trial will commence. The co-accused Gurpreet Singh @ Gopi and Manoj Kumar @ Moji who were named in the FIR have already been enlarged on bail vide orders (Annexures P-2 and P-3 respectively) by this Court. It will take considerable time for the trial to conclude after its commencement. In the given circumstances, no fruitful purpose is going to be served by prolonging the judicial custody of the petitioner.

7. Thus, 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/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned, if not required in any other criminal case.

20.02.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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