

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M-14514-2024
Date of Decision:02.04.2024

SNAWARDEEP SINGH ALIAS SNAWARPetitioner

Vs.

STATE OF PUNJABRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. L.M. Gulati, Advocate
for the petitioner.
Mr. G.P.S. Bhullar, AAG, Punjab.

DEEPAK GUPTA, J.(ORAL)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.108 dated 01.07.2023 under Section 379-B(2), 336, 148 and 149 IPC and Sections 25/27 [Act N:54 of 1959] of Arms Act, 1959 [Section 201 of IPC was added later on], registered at Police Station Gharinda, District Amritsar Rural. This is a second petition. The earlier petition is stated to have been dismissed as withdrawn at that stage.

2. Learned counsel contends that after dismissal of the earlier bail petition, two material witnesses i.e. complainant namely Balbir Raj and eye witness namely Ravinder Singh have since been examined and both of them have not supported the prosecution case.

3. As per allegations, on 01.07.2023, 4-5 unknown persons came in swift car and at the gun point snatched ₹10,000/- from the pocket of complainant- Balbir Raj. It is alleged that .32 bore pistol was recovered during investigation from the petitioner. It is also the prosecution version that in the supplementary statement made by the complainant on 10.07.2023, petitioner, co-acussed Parminder and Harchand were nominated.

4. Learned counsel contends that the petitioner has been falsely implicated; that complainant-Balbir Raj and the alleged eye witness-Ravinder Singh have not supported the prosecution case during trial. Copies of their statements have been placed on record. It is also stated that petitioner is in custody for the last more than 08 months. Trial is likely to take long time to conclude.

5. Notice of motion.

6. Mr. G.P.S. Bhullar, AAG, Punjab accepts notice on behalf of the respondent-State.

7. Learned State counsel could not refute the aforesaid contention. However, he opposes the bail petition on the ground that recovery of pistol was effected from the petitioner. Learned State counsel has also drawn attention towards the custody certificate as per which petitioner is involved in one more case. However it is conceded by learned State counsel that the petitioner is on bail in that case. In the present case, petitioner is in custody for the last more than 08 months and 23 days. The two material witnesses of the prosecution, examined during trial, have already turned hostile.

8. Having regard to the aforesaid facts and circumstances, no purpose would be served by keeping the petitioner detained. As such, without commenting anything upon the merits of the case, petition is allowed. Petitioner is admitted to regular bail and is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

02.04.2024

pry

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes
Whether Reportable	No