

S. No.218+220

2024:PHHC:064952
2024:PHHC:064955
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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:09.05.2024

1. CRM-M-13423 of 2024

Gurmit Singh
Vs.
State of Punjab

.....Petitioner

.....Respondent
2. CRM-M-14626 of 2024

Sandeep Singh @ Butter
Vs.
State of Punjab

.....Petitioner

.....Respondent
3. CRM-M-15866 of 2024

Narinder Kumar @ Jony @ Love
Vs.
State of Punjab

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. M.S. Basra, Advocate for the petitioner in CRM-M-13423 of 2024.
Mr. Raj Kumar Arya, Advocate for the petitioner in CRM-M-14626 of 2024.
Mr. Manoj R. Sharma, Advocate for the petitioner in CRM-M-15866 of 2024.
Mr. Sahil R. Bakshi, AAG, Punjab.
Mr. Rajesh Kapila and Ms. Himani Kapila, Advocates for the complainant.

DEEPAK GUPTA, J. (Oral)

Status report by way of affidavit of Shri Rajesh Kakkar, PPS, Deputy Superintendent of Police, Sub Division Sri Hargobindpur, Police District Batala, has been filed in CRM-M-14626 of 2024 titled “Sandeep Singh @ Butter Vs. State of Punjab.” , along with custody certificates of all the three petitioners.

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2. Learned State Counsel submits that this status report can also be considered in respect of connected petitions i.e. CRM-M-13423 of 2024 titled "Gurmit Singh Vs. State of Punjab"; and CRM-M-15866 of 2024 titled "Narinder Kumar @ Jony @ Love" as all the three petitions pertain to the same FIR.

3. In all the three petitions titled above, petitioners pray for their release under Section 439 Cr.P.C. on regular bail, in case FIR No.0117 dated 22.12.2023 registered under Section 379-B, 34 IPC (later on added Sections 473, 411, 201 IPC) at Police Station Qadian, District Batala.

4. As per prosecution allegations, on 22.12.2023, the complainant – Amarjit Singh working as a Computer Operator at Harjosh HP Gas Agency, was going to the Punjab and Sind Bank to deposit an amount of ₹1,75,000/- of the said Agency. During transit, his motor-cycle was hit by another motor-cycle without number plate. Three persons were occupying that motor-cycle. One of them, with muffled face kept on sitting on the bike. The other two persons snatched the kit held by the complainant containing the money. The third person was also with muffled face. One of the persons also gave datar's blow from reverse side to the complainant. On the statement of complainant - Amarjit Singh, the FIR was lodged on the same date.

5. Further prosecution case is that 27.12.2023, i.e. after five days, complainant made supplementary statement, in which he nominated the three petitioners i.e. Narinder alias Jony, Gurmit Singh alias Sonu and Sandeep Singh @ Butter to be the persons who had snatched the money.

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6. Learned counsel for the petitioners contend that the petitioners have been falsely implicated; that they were not named in the FIR; that there is no incriminating material against them as no Test Identification Parade was ever conducted and that supplementary statement has been made by the complainant after five days of the incident without disclosing the source of information so as to nominate the petitioners. It is also submitted that all the three petitioners are in custody for the last more than four months and that trial may take time to conclude, so, they be allowed bail.

7. Learned State Counsel along with counsel for the complainant has opposed the bail petitions by pointing out towards the criminal antecedents of the petitioners and also the fact that all three of them have been nominated by the complainant in his supplementary statement and that face of one of the snatchers had been seen by the complainant at the time of incident.

8. I have considered submissions of both the sides and perused the record.

9. It is conceded by learned State Counsel that none of the petitioners were named in the FIR. Registration number of the motor-cycle, on which the snatchers had come, is not mentioned in the FIR. Initially, the complainant had stated that he could identify one of the snatchers. However, after five days, when he made the supplementary statement and nominated the three petitioners, he did not disclose the source as to how he came to know about involvement of the three petitioners in the crime.

10. On instructions from ASI Manjit Singh, it is conceded by the learned State Counsel that no Test Identification Parade was conducted.
11. All the petitioners are in custody for the last 04 months and 08 days.
12. Learned State Counsel also informs that after conclusion of the investigation, challan has already been filed. Charges are yet to be framed. Thus, trial is likely to take long time to conclude.
13. Having regard to all the afore-said facts and circumstances of the case, but without commenting anything further on the merits of the case, the present petitions are allowed. Petitioners are admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.
14. A photocopy of this order be placed on the files of connected cases.

May 09, 2024
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Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No

(DEEPAK GUPTA)
JUDGE