



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-15478-2024 (O&M)
Date of Decision:- 21.10.2024

Gurwinder Singh alias Gobind alias Goga ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Amandip Kaur, Advocate, for the petitioner.
Mr. Amandeep Singh, DAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
223	28.08.2021	B Division, District Commissionerate, Amritsar	395 IPC, 25, 54, 59 of Arms Action (Section 201 IPC added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Sandeep Kumar who has stated that he was working in the shop of a goldsmith and that on 07.08.2021 a dacoity had been committed at the shop and that the said



persons took away several articles of gold weighing 107 grams, 69 grams, 142 grams and 109 grams.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the FIR and that the petitioner in any case has been behind bars for the last more than 10 months and as on date only 2 PWs out of the cited 14 PWs have been examined. It is further stated that one of the examined PWs namely Sandeep Kumar has not supported the case of prosecution and as such the petitioner deserves the concession of bail. Learned counsel has today passed on a copy of statement of PW-Sandeep Kumar which shows that said Sandeep Kumar has not identified any of the accused.
4. On the other hand, learned State counsel while opposing the petition has submitted that since the petitioner is clearly shown in the CCTV footage, his complicity is clearly evident. Learned State counsel has however, not disputed the fact that as on date the petitioner has been behind bars since the last more than 10 months and only 2 out of the cited 14 PWs have been examined. It has also been informed that the petitioner is involved in one more case registered under Section 326 IPC.
5. This Court has considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but having regard to the fact that the petitioner has been behind bars for a



substantial period of 10 months and key witness i.e. the complainant has already resiled, further detention of the petitioner will not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.10.2024

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No