

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-18218-2024
Date of decision : 22.04.2024

Surinder Singh @ Sunny Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vinod K. Kaushal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.254 dated 24.09.2022 registered for the offences punishable under Sections 379-B and 149 of IPC, 1860 (Sections 395, 411 and 482 of IPC, 1860 added later on) and Section 25 of Arms Act, 1959 at Police Station Tanda, District Hoshiarpur.
2. The petitioner is behind bars since 23.10.2023.
3. As per contents of the FIR, it has been alleged as under:-

“Statement of Dharuv Grover son of Ashwani Grover resident of house No. 133, Shri Vinayak Apartment Plot No. 5-C, Sector 22, Dwarka, Police Station Sector 23, Dwarka, a New Delhi aged about 25 years, mobile No. 93195-19124. I would like to state that I am resident of above noted address and I am doing job in private company at Gurugram. On 23.09.2022 at about 10.30 PM, I along with my friends Krishna Gupta son of Anil Kumar Gupta

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resident of E-113, West Patel Nagar New Delhi and Gagan Nagpal son fo late Gulshan Nagpal resident of house No. WZ- 1093-B, Basti Darapur, Bali Nagar, Police Station Ramesh Nagar, New Delhi in our car bearing registration No. DL12-CL-3524 make Ciaz colour dark gray were going from Delhi to Dalhousie and when we crossed city Tanda and passed a swift car without number plate colour silver then at some distance ahead from village Moonak Kalan, we stopped our car towards one side to get free from natural call etc. then at about 6.10 AM, one swift car without number plate colour gray which was earlier passed by us, stopped ahead to our car and a youngman came out from said car and came to us and asked passage to go Hoshiarpur then we told him that we don't know about it, in the meantime, his associates youngmen also came to us, out of them four youngmen were having Sardar personality and two were having Hindu personality, I can identify the said before us. Thereafter out youngman, out of them, sat into our car and one Sardar has turned his pistol towards us and told us that give me key of car, otherwise I will shoot you. Therefore under said fear. I had given him key of our car and they also snatched our purses from our pockets. In said purses, we were having our PAN Cards, Aadhar Cards, Driving Licenses and other documents and bag was lying in the car, in which my laptop and two mobile phone SIM No. 9650252288 make I-phone 13 and second phone Redmi SIM No. 9319630958. The said unknown persons had snatched our car and material lying in the car and four youngmen sat in our car and ran away towards Dasuya Pathankot side. We were coming to inform you, then you reached at the spot,

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statement got recorded, heard, same is correct.
Legal action be taken against the unknown
persons.xxx”

4. After FIR was registered on 24th of September, 2022 complainant is stated to have suffered a supplementary statement on 21st of October, 2022 in which he named five persons namely Harpreet Singh, Ashwani Singh, Satnam Singh, Gursewak Singh and Sunny. As per the prosecution Gursewak Singh in his disclosure further named the present petitioner. Counsel for the petitioner submits that Gursewak Singh having suffered disclosure while in police custody, the same is a weak piece of evidence and apart from that there is no incriminating evidence against the petitioner. Thus, the petitioner deserves to be released on bail. He further submits that the challan stands presented and thus the custody of the petitioner cannot be prolonged as a punitive measure.

5. *Per contra*, State Counsel however refers to the antecedents of the petitioner claiming that the petitioner is facing four more FIRs and thus he is not entitled for grant of bail. However, he is not in position to dispute the factual assertions made by counsel for the petitioner based on record.

6. Having heard rival contentions of the parties and after going through records of the case, without commenting on the merits thereof, keeping in view the incarceration already suffered by the petitioner and the nature of the evidence against him, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial

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7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

22.04.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No