



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

CRM-M-18929-2024

Date of Decision: July 09, 2024

Harchand Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amandeep Sharma, Advocate for the petitioner.

Mr. Eklavya Darsi, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.108 dated 01.07.2023, under Sections 379-B(2), 336, 201, 148, 149 of IPC, besides Sections 25 & 27 (Act No.54 of 1959) of the Arms Act, registered at Police Station Gharinda, District Rural, District Amritsar.

2. Status report by way of affidavit of Shri Sukhjinder Pal Singh, Deputy Superintendent of Police, Attari, Amritsar Rural alongwith custody certificate has been filed on behalf of respondent-State.

3. This is the second petition for the purpose. The earlier petition bearing No.CRM-M-53877 of 2023 is stated to have been dismissed as withdrawn vide order dated 24.01.2024.

4. As per the allegations, on 01.07.2023, 4-5 unknown persons came in a swift car and at the gun point snatched ₹10,000/- from the pocket of complainant – Babir Raj. It is further the prosecution case that in his

supplementary statement made on 10.07.2023, the complainant nominated the petitioner, besides co-accused Parminder and Snawardeep Singh @ Snawar.

5. Status report as filed by the respondent-State also mentions the role of the petitioner, as per which the car used in the crime belonged to the petitioner. Even the pistol used in the commission of the crime used by co-accused Snawardeep Singh @ Snawar was provided by the petitioner. Apart from this, car and 07 live cartridges of .32 bore were recovered from the petitioner.

6. Learned State counsel also informs that a CCTV footage established the presence of the petitioner while committing crime alongwith others.

7. Contention of learned counsel for the petitioner is that complainant of the case – Balbir Raj has not supported the prosecution version. Copy of his testimony has been produced as Annexure P-2. Another eye witness Ravinder Singh is also stated to have turned hostile and did not support the prosecution case. Learned counsel submits that based upon these facts, similarly placed co-accused Sanawardeep Singh @ Sanawar has already been allowed bail by this Court vide order dated 02.04.2024 passed in CRM-M-14514-2024 (Annexure P-3).

8. Learned State counsel could not refute the aforesaid contention, but opposes the bail petition on the ground that the petitioner is involved in various other cases, as per details given in para No.18 of the petition, which would reveal that he has been acquitted in 02 of the cases out of 08 registered against him.

9. However, it is conceded by learned State counsel that the complainant as well as the other eye witness have turned hostile, as they did not support the prosecution version. It is also not disputed that the case of the petitioner is on parity with co-accused Sanawardeep Singh @ Sanwar, who has already been allowed bail by this Court vide Annexure P-3.

Considering all the aforesaid facts and circumstances, but without commenting anything on the merits of the case and also on the basis of parity, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

July 09, 2024

sarita

(DEEPAK GUPTA)
JUDGE

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