



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-22931-2024

Date of Decision:-13.05.2024

Balwinder Singh @ Wadda.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sarabjit Singh Cheema, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.153 dated 23.08.2023 under Sections 399/402 IPC registered at Police Station Salem Tabri, District Ludhiana.

2. The present FIR came to be registered at the instance of the investigating agency and reads as under:-

“ Chief Officer Police Station Salem Tabri, Ludhiana "Jai Hind today I ASI including ASI Dhanwant Singh 210, HC Baljinder Singh 670, CT Amandeep Singh 749, Sct. Charanjit Singh 1894, Sct. Kulwinder Singh 3262, PHG Satnam Singh 16535 on a private vehicle, in connection with checking of suspicious vehicles were present at T-Point Dana Mandi Near Petrol Pump Salem Tabri, Ludhiana where, the secret informer came to the ASI and informed separately that Pargat Singh resident of village Mange Wala Police Station, Sadar, District Moga, Gurpreet Singh @ Gopi resident of village Manunke Gill Police Station Nihal Singh Wala District Moga, Balwinder Singh alias Vada resident of



village Manunke Gill police station Nihal Singh Wala District Moga, Raja and Gora who do labor work in Dana Mandi, Salem Tabri Ludhiana have formed a gang to commit robbery & snatching. Even today, they all armed with deadly weapons along with the motorcycles used in these incidents, are sitting under the shed of Dana Mandi, Salem Tabri, Ludhiana and are talking to each other that nothing can be achieved with petty thefts, lets plan a big theft in some big factory. I overheard these conversations on the pretext of smoking under the cover of a pillar. If a raid is conducted then Pargat Singh, Gurpreet Singh, Balwinder Singh, Raja and Gora armed with deadly weapons who are preparing to commit dacoity along with the motorcycles used in the crime can be nabbed and a major occurrence can be prevented in the city, they are criminal type persons, the information is sure and reliable. Sct Kulwinder Singh-3262 who is part of the Police Party, sent to the spot, who after visiting the spot, informed me and confirmed the information. Pargat Singh, Gurpreet Singh, Balwinder Singh, Raja, Hira & Gora armed with deadly weapons and preparing to commit dacoity fulfills the offense under Section 399,402 IPC. Ruqa against Pargat Singh Gurpreet Singh, Balwinder Singh, Raja, Hira & Gora through Sct Charanjit Singh 1894 was got typed through his private laptop and printed through the printer. The case is being sent to the police station through PHG Satnam Singh 16535. The case should be registered and the FIR number be provided. Special reports be prepared and sent to the superiors, Control room be informed, I ASI along with my colleague's departure for the spot. SD/- Visakha ASI CIA 02 Ludhiana Dated 23.08.2023."

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No test identification parade had been got conducted by the prosecution in order to connect the petitioner with the alleged offence. Pursuant to his arrest the recovery of 21 mobile phones had been planted on the accused. In fact he had been falsely implicated in the present case because he was involved in



other cases as well. Two co-accused of the petitioner namely Gurpreet Singh @ Gopi and Pargat Singh had been granted the concession of bail vide order dated 02.04.2024 in CRM-M-14524-2024 (Annexure P-4) and order dated 24.04.2024 in CRM-M-19018-2024 (Annexure P-3). As the petitioner was in custody since 23.08.2023 and none of the 14 Pws had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he too was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner alongwith his co-accused were apprehended while planning to commit robbery. 03 accused had been arrested while 02 were absconding. Multiple mobile phones had been recovered from the accused. As the offence was *prima facie* established, the petitioner was not entitled to the concession of bail. She however concedes that the petitioner is in custody since 23.08.2023, none of the 14 Pws had been had been examined so far and that 02 co-accused had been granted bail.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 23.08.2023 and none of the 14 Pws had been examined so far, therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required even though he is an accused in other cases.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Balwinder Singh @ Wadda** son of Sh. Ajaib Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate,



concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 13, 2024

Vinay

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