

SURINDER SINGH ALIAS SHARRY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. S.K. Bokolia, Advocate for the petitioner.
Mr. Japjot Singh, AAG, Punjab.

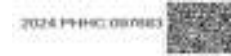
SANJIV BERRY, J. (ORAL)

Learned State counsel has filed reply by way of affidavit dated 06.07.2024 of Deputy Superintendent of Police, Sub. Division Kotkapura, District Faridkot. The same is taken on record, copy thereof has been supplied to the counsel opposite.

2. The instant second petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
195	25.10.2023	436, 427, 120-B, 201 IPC	City Kotkapura, District Faridkot.

3. Brief facts put forth by the prosecution are that on 25.10.2023 while patrolling at around 01:35 AM a secret information was received by the police to the effect that on the previous night i.e. 24.10.2023 at about



11:30 pm, some miscreants caused damage to the liquor vend situated at Hari Nau road near Dudhadhari, Dera, by putting on fire and the name of miscreants were disclosed as Akashdeep Singh, Harjinder Singh, Resham Singh and Surinder Singh all was done in order to intimidate the owners/partners of the liquor vend, as such FIR was registered.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and is in custody since 06.11.2023. He submits that there is no eye witness to the occurrence connecting the petitioner with the alleged occurrence. Moreover, as per the owner of the liquor vend that the alleged mischief committed by the accused there had been damage to the shutter only. He submits that after investigation, challan has since been presented and as such petitioner is not required for further investigation in the case. He submits that conclusion of trial will take sufficient long time, hence he prays for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel has opposed the bail petition by referring to the reply dated 06.07.2024 and argued that the petitioner along with co-accused had tried to set the liquor vend on fire and considering the gravity of the offence, he is not entitled for concession of bail. However he has admitted that 11 witnesses have been cited by the prosecution and out of them only 2 witnesses have been examined so far.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered against three persons including the petitioner on the allegations that they had hatched conspiracy and in pursuance thereto, in order to intimidate the owners of the liquor vend



they caused damage to the vend by putting the same on fire. The petitioner and another co-accused were named in the FIR on the basis of some secret information received by the author of the FIR. The petitioner was arrested on 06.11.2023 and after completion of investigation challan has been presented in Court where it is pending trial. The contention of the learned counsel for the petitioner qua the damage in the incident is being only to the shutter of the vend which is not disputed by the learned counsel for the State. Admittedly 11 witnesses have been cited by the prosecution and out of them only 2 witnesses have been examined so far. The conclusion of trial in the present case to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping the petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

31.07.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No