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(234)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24683-2024

Date of Decision: 21.05.2024

NISHAN SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.205 dated 13.06.2022 registered under Section 379B(2) IPC, 1860, (Section 34 IPC, 1860 added later on) at Police Station Goindwal Sahib, District Tarn Taran.

2. The present FIR came to be registered at the instance of Sahil Sobati son of Tajinderpal Sobati and the same reads as under:-

“Statement of Sahil Sobati son of Tajinderpal Sobati resident of Mohalla Kattada Fatehabad Police Station Goindwal Sahib aged about 31 years Mobile No.98780-35388. It is stated that I am resident of above-mentioned address and is posted as Assistant Manager in the HDFC Bank, Khadur Sahib. Today on dated 13.06.2022 I on my motorcycle make Hero Splendor bearing No.PB46T-1782 black in colour was going to the house of my relative



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Dharminder Singh son of Sakattar Singh resident of village Gharka for some personal work and at about 6:30 pm when I reached at a little distance of village Jamarai then from behind one motorcycle make Hero Honda Splendor black in colour without number on which two haircut young person were sitting came and suddenly the driver of the motorcycle brought his motorcycle ahead of me and stopped me and the motorcycle driver took out the key of my motorcycle and the haircut young person sitting as pillion rider on the motorcycle alighted and gave threatening to kill me with the datar being held by him in his hand and stated to me that whatever you are have having with you handover to him. I out of fear told both the aforesaid unidentified young person that I am not having anything with me and then the pillion rider person sitting on the motorcycle gave datar blow upon me and I got myself saved by turning backward and I along with my motorcycle fell down. That both the unidentified young person forcibly snatched my motorcycle from me and both the haircut young person on my and on their motorcycle went away towards the Chola Sahib. That I can identify both the young person on being presented before me. That I after taking the help of some passerby was coming to give information to you and you met me on the way. Thus, the appropriate legal action may kindly be taken against the aforesaid persons. Statement has been got recorded which has been read over and same is admitted to be true. Sd./- Sahil Sobati.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has been nominated as an accused on the basis of secret information. One Sarabjit

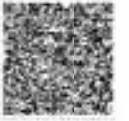
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Singh alias Bheem son of Bira Singh alias Balbir Singh was also named in the said secret information. He had been granted the concession of bail by the Trial Court vide order dated 09.01.2021 (Annexure P-1). The case of the petitioner was on a similar footing. As he was a first-time offender, in custody since 14.06.2022 but only 01 of the 11 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that during the course of investigation, the petitioner and his co-accused came to be nominated as accused, they were arrested along with a stolen motorcycle. The nature of the allegations against the petitioner did not entitle him to the grant of bail. He, however, concedes that the petitioner was a first-time offender, in custody since 14.06.2022 only 01 of the 11 of the prosecution witnesses had been examined so far and that a co-accused Sarabjit Singh alias Bheem had been granted the concession of 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 a first-time offender, in custody since 14.06.2022 and only 01 of the 11 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Further, a co-accused namely, Sarabjit Singh has been granted

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the concession of bail. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Nishan Singh s/o Mehal 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.

8. 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 present case.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- 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.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

21.05.2024

JITESH

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