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(201+202)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25105-2023

Date of Decision: 05.09.2024

KISHANPREET SINGH @ MANI @ KRISHANPREET SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CRM-M-38052-2023

SANDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. PBS Goraya, Advocate with
Mr. S.S. Bhullar, Advocate and
Mr. SPS Sandhu, Advocate
for the petitioner in CRM-M-25105-2023.

Mr.Amandeep Singh Manaise, Advocate
for the petitioner in CRM-M-38052-2023.

Mr. Mohit Kapoor, Sr. D.A.G., Punjab.

JASJIT SINGH BEDI, J.

This order shall dispose of two petitions bearing No.CRM-M-25105-2023 titled as Kishanpreet Singh @ Mani @ Krishanpreet Singh versus State of Punjab and CRM-M-38052-2023 titled as Sandeep Singh Versus State of Punjab as the same are arising out of the same FIR. However,



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for the sake of convenience the facts have been taken from CRM-M-25105-2023.

2. The prayer in the present petitions under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.23 dated 19.02.2022 registered under Sections 395, 379-B, 342, 506, 34 IPC (Section 392 IPC deleted and Section 395 IPC added later on) and Sections 25/54/59 of Arms Act at Police Station Sarhali, District Tarn Taran.

3. The present FIR came to be registered at the instance of Ashish Arora son of Partap Saroop Arora and the same reads as under:-

“Statement Ashish Arora S/o Partap Saroop Arora R/o flat no. R.1407, central jiwan, sector 1, greater Noida west at present backside of punjab international palace, Goindwal byepass, Tarn Taran working as manager with HDFC Bank Nasushera Pannua aged 40 years, Phone no. 8289066990. Stated that I am resident of above mentioned address and working as manger at Nausherra Pannua branch of HDFC bank. That as per our daily routine, we were working in our bank that around 1.50 P.M, 3 young persons wearing face masks came near bank guard Jugraj Singh S/o Gurmukh Singh R/o Noordee GI and among them, 2 were having haircut aged about 30/35 years and third person was sikh boy aged 35/40 years. That they these 3 persons took out their pistols and the person with a haircut gave blow with pistol butt on the head of guard and 2 persons snatched the 12 bore DBBL riffle of the guard containing 2 cartridges and they all assembled the entire staff and person with a haircut having 12 bore DBBL riffle and pistol locked the gate and the sikh boy and the boy with the haircut took in their possession mobile phones of the entire staff and our customer and took out cash of 37,72,610/- from cashier madam Kirandeep Kaur and some cash was put in his T-Shirt by



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the sikh boy and after taking a bag from our employee, the remaining amount was put in the same and after taking away DVR and router of the bank, they fled away on black colour splendor motorcycle towards Tarn Taran side. I along with my employee Gurtej Singh was going to inform you that you met us on the way That appropriate legal action be taken against above mentioned 3 unidentified persons for committing bank dacoity of rupees 37,72,610/-, 1 gold chain of 2 tola, 12 bore DBBL rifle, router, DVR of bank and mobile phones. Statement given, heard, it is correct. Sd/- Asish Arora manager, HDFC bank, attested Sd/- SI Gulwinder Singh, I.C.P.P, Nausherra Pannua, P.S 'Sarhali' dated 19.02.2022."

4. During the course of the investigation, the petitioners came to be nominated as accused.

5. The learned counsels for the petitioners contend that all the material witnesses namely, PW1-Ashish Arora, PW2-Kirandeep Kaur, PW3-Amritjot Singh, PW4-Gurpinder Singh, PW5-Jugraj Singh, PW6-Avinash, PW8-Tarsem Singh and PW9-Harpal Singh stand examined and have not supported the prosecution case. As the petitioners were in custody since February/March, 2022 but only 09 of the 18 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, they were entitled to the concession of bail even though they had other cases pending against them.

6. On the other hand, the learned State counsel while referring to the affidavits dated 03.11.2022 and 31.08.2023, contends that the nature of the allegations levelled against the petitioners did not entitle them to the grant of bail moreso when they were habitual offenders with multiple cases

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pending against them. He, however, concedes that the petitioners were in custody since February/March, 2022, only 09 of the 18 prosecution witnesses had been examined so far and that all the material witnesses stood examined and had not supported the prosecution case.

7. I have heard the learned counsel for the petitioners.

8. Admittedly, all the material witnesses stand examined and have not supported the prosecution case. Whether the remaining evidence is sufficient to affix liability upon the accused shall be adjudicated upon during the course of the Trial. The petitioners are in custody since February/March, 2022 but only 09 of the 18 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, their further incarceration is not warranted even though they are habitual offenders.

9. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioners 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 they are not involved in any other crime other than the cases mentioned in the affidavits dated 04.09.2024.

11. In addition, the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.2,00,000/- each and deposit the same with

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the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from trial without sufficient cause.

12. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

05.09.2024

JITESH

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