



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

CRM-M-26030-2024

Date of Decision:-27.05.2024

Rajwinder Singh @ Sukha.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Chandan Singh Rana, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG 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.08 dated 27.01.2023 under Sections 379-B, 34 IPC and Section 411 IPC added later on registered at Police Station Hathur, District Ludhiana.

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

“ Statement of Puneet Jain son of Krishan Kumar son of Suraj Bhan resident of House No. 416/25/2 DE, Street No. 4/2, Shastri Nagar, Jagraon, Age about 31 Years, Mob. No. 97809- 00786. I hereby state that I am resident of above mentioned address. I have my own petrol pump at Village Rasulpur at Dalla Road on the name of Avtar Kisan Sewa Kender. As per daily routine, at time about 6:30 PM I had gone to petrol pump to collect cash and I alongwith Bablu Dhar son of Murli Dhar resident of U.P. and Suraj Pal were counting cash in the office of petrol pump. In the meantime at



about 6:40 PM three unknown persons came at one Platina motorcycle whose registration number we could not read, who appears to be of age about 22/25 years. Out of them one person who was standing outside had worn blue colour jacket and all three of them had worn lohi (shawl) around them and they were of medium built. I can identify them if paraded in front of me. Suraj Pal was going towards the machine to put fuel in their motorcycle and out of them two persons came inside the office. One of them had dah in his hand and second was holding pistol like shining object in his hand. The person who was holding dah in his hand said that take out all your cash which you have. In the meantime second person snatched all cash from the counter and cash which I was holding in my hand and all three of them fled away on their motorcycle towards Village Dalla. The snatched amount was about Rs. 40/50 Thousand and can give exact figure after checking record. I alongwith Bablu Dhar was going to police station to report this incident and you met at Sua (Rivulet) Chakkar. Necessary legal action be taken against those three unknown youths. Statement recorded to you, heard, is correct. Sd/- Puneet Jain."

3. During the course of the investigation the petitioner came to be apprehended.

4. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was no substantive evidence inculcating the petitioner. In fact, an FIR No.94 dated 11.07.22023 was registered under Sections 379, 411 IPC and 22 of NDPS Act P.S. Sadar Raikot in which the petitioner had been arrested and involved in the present case. As he was in custody since 11.07.2023 and none of the 11 Pws 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.

5. The learned State counsel on the other hand contends that the petitioner was initially involved in the present FIR. Thereafter he came to be arrested in FIR No.94 dated 11.07.22023 was registered under Sections 379, 411 IPC and 22 of NDPS Act P.S. Sadar Raikot. The nature of the allegations levelled against him and his criminal antecedents did not entitle him to the grant of bail. He however concedes that the petitioner is in custody since 11.07.2023 and that none of the 11 Pws had been examined so far.

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

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, he is in custody since 11.07.2023 and none 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. In this situation, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Rajwinder Singh @ Sukha** son of Sh. Makhan 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.

9. 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.

10. 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



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Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioner from the Trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 27, 2024
Vinay

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