

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-27103-2023 (O&M)
Date of Decision:- 09.01.2024

DAVID

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. Gurpreet Singh Sandhu, DAG Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
14	17.01.2023	379-B, 511 and 34 of the IPC 25 and 27 of the Arms Act, 1959	Division No.1, District Police Commissionerate, Ludhiana

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case on the alleged disclosure statement made by co-accused Ravinder Singh @ Ravi and the petitioner has no concern whatsoever with the alleged occurrence. He submits that the petitioner has no criminal past but a false case has been planted upon him subsequently after his arrest in the present

case by the Police. He further contends that as the challan has already been presented in Court, the petitioner is no more required for further investigation of the case. He has also referred to the order dated 21.03.2023 passed in CRM-M-13146-2023, whereby co-accused Vishal Verma @ Mani has been granted the concession of bail to claim parity. He thus prays for grant of regular bail to the petitioner.

3. Learned State counsel has not disputed the factual matrix as stated that the challan has already been presented in Court although charges have not yet been framed and as many as 18 witnesses have been cited by the prosecution. He has also not disputed the factum of grant of bail to the co-accused Vishal Verma @ Mani, who happens to be similarly situated.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that the instant case was registered on the statement of Aman Singh claiming that two unknown persons with muffled faces had demanded the key of the cash box from him by threatening him with a pistol and iron rod. On his resistance, the person with iron rod inflicted injury on his shoulder and thereafter the unknown persons ran away from the spot. The Police arrested Ravinder Singh @ Ravi and on the basis of his disclosure statement, the present petitioner has been nominated in this case. The petitioner was arrested on 01.02.2023 and no recovery has been effected from him. It is a fact that after his arrest on 01.02.2023 in the present FIR, he has also been arrested in another case bearing FIR No.26 dated 03.02.2023, Police Station Dugri, Ludhiana. Admittedly, the petitioner is in custody

since 01.02.2023 and challan has already been presented in the Court and charges have not yet been framed. There are 18 witnesses cited by the prosecution and the conclusion of trial in these circumstances will take sufficient long time in order to ascertain the criminal liability, if any, of the petitioner and no purpose would be served by detaining the petitioner in custody any longer.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his 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.

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

(SANJIV BERRY)
JUDGE

09.01.2024
S.Sharma(syr)

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