

104+210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-54500-2023 in/and
CRM-M-36423-2023 (O & M)
Date of decision: 15.01.2024

NAVPREET SINGH @ NAV SANDHU @ NAV LAHORIA
...PETITIONER
V/S
STATE OF PUNJAB
...RESPONDENT

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ramandeep Singh Gill, Advocate and
 Mr. Jatin Bansal Kotshamir, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

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Present application has been filed under Section 482 Cr.P.C. seeking placing on record Annexures P-53 to P-58 and seeking exemption from filing certified copies.

For the grounds mentioned in the application, same is allowed.

Annexures A-53 to A-58 are taken on record subject to all just exceptions.

MAIN CASE

This is the first petition filed under Section 439 of Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.19 dated 03.02.2019 registered under Sections 307, 392, 379, 420, 472, 473, 411, 148, 149 of Indian Penal Code and Section 25 of Arms Act at Police Station Tripuri, Patiala with a further prayer for dispense with the filing of certified copies of Annexures P-1 to P-52.

2. The present FIR was lodged on the basis of secret information that petitioner, who is involved in many other cases of robbery, snatching and murder has absconded along with other assailants namely Ankur Singh @ Mani, Parshant

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Hindrav @ Chhotu, Navneet Singh @ Navi and Dalvir Singh @ Mani armed with deadly weapons. All the accused were making preparations to execute more crime and last night, they had snatched one car at gun point from Patiala city. Finding the secret information reliable, the police party headed by SSP, Patiala proceeded to arrest the accused. When police party was present near Ranjit Nagar, Block-F, the Swift car was seen coming towards the police party. The petitioner was sitting on the rear seat of the car. He was identified by Inspector Shaminder Singh. On being signaled to stop the vehicle, the occupants of the car started firing on the police party and fled away from the spot. The team headed by SSP, Patiala eventually arrested the accused persons. However, the petitioner and co-accused Ankur Singh @ Mani succeeded in fleeing from the spot by taking advantage of the darkness. After the petitioner was arrested, one pistol of .30 bore along with 03 live cartridges were recovered from his possession.

3. Learned counsel for the petitioner *inter alia* contends that all the co-accused of the petitioner have been granted the benefit of regular bail. The allegations contained in the FIR would indicate that it is a case of no injury. The petitioner has duly disclosed his antecedents in the present petition and he is on bail in two more cases. The petitioner is in custody since 03.02.2019. The trial of the case is progressing at a snail's pace.

4. Per contra, the learned State counsel, on instructions from ASI Gurpreet Singh, opposes the prayer of grant of regular bail to the petitioner on the ground that petitioner is head of the gang and he is involved in other cases of similar nature, however, he could not controvert the fact that all other co-accused were also involved in other cases, have also been granted the concession of regular bail.

5. Having heard the learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since

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03.02.2019. The trial of the case is progressing at snail’s pace as out of 22 witnesses cited by the prosecution, only 02 have been examined so far. Culpability, if any, would be determined at the time of the trial. No useful purpose would be served by further detention of the accused-petitioner. Keeping the petitioner in further detention, without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

6. Keeping in view the law laid down by the Hon’ble Supreme Court of India in ‘Prabhakar Tewari Vs. State of U.P. and another’ 2020 (1) R.C.R. (Criminal 831) and ‘Maulana Mohd. Amir Rashadi Vs. State of U.P. and Another’, 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

7. In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Navpreet Singh @ Nav Sandhu @ Nav Lahoria is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

9. Pending application(s), if any, also stand disposed of.

January 15, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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