

CRM-M-38773-2023 (O & M) ::1::
(220)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38773-2023 (O & M)
Date of decision: 24.01.2024

Sahil Kamboj Petitioner
V/s
State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Prabhjot Singh, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in FIR No.101 dated 02.06.2023 under Sections 399 IPC, Section 27 of the Arms Act (Section 402 IPC & Section 54/59 Arms Act added later on) registered at Police Station City Jalalabad, District Fazilka.

2. The brief facts of the case are that secret information was received that the petitioner-Sahil Kamboj alongwith Gurdeep Singh @ kali Shooter, Karamjit Singh @ Kammi, Lovepreet Singh @ Lovely and Lovely @ Sakeel Kumar were preparing to commit dacoity. If a raid was conducted, they could be apprehended.

CRM-M-38773-2023 (O & M)

::2::

(220)

Based on the afore-mentioned information, a raid was conducted on the disclosed place. The petitioner was apprehended at the spot with a USA made pistol alongwith 04 live cartridges. However, the other accused fled away from the spot.

3. Thereafter, during the course of investigation, on 03.06.2023 Section 402 IPC and on 05.07.2023, Sections 52/54/59 of the Arms Act were added.

Lovepreet Singh @ Lovely Sivia joined investigation and got recovered a sword.

The report under Section 173(2) Cr.P.C. was presented against the petitioner and Lovepreet Singh @ Lovely Sivia on 21.07.2023.

Gurdeep Singh @ Kali Shooter was arrested on 25.09.2023 after being brought on production warrants. Similarly, Lovepreet Singh @ Lovely @ Sunil Kumar was arrested on 23.10.2023 after being brought on production warrants.

The report under Section 173(2) Cr.P.C. was presented against Gurdeep Singh @ Kali Shooter, Lovepreet Singh @ Lovely @ Sunil Kumar on 22.11.2023.

4. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. In fact, as per the case of the prosecution, he was arrested alone and therefore, the question of preparing to commit dacoity does not arise. As the petitioner was in custody since 02.06.2023 and none of the 11 prosecution witnesses had been

CRM-M-38773-2023 (O & M)**::3::**

(220)

examined so far, he was entitled to the concession of bail, even though, he was involved in five other cases.

5. The learned counsel for the State has filed a reply dated 29.11.2023 which is taken on record. While referring to the said reply, he contends that the petitioner alongwith his co-accused was preparing to commit dacoity. A recovery of a pistol alongwith 04 live cartridges came to be effected from him and therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner was in custody since 02.06.2023 and that none of 11 prosecution witnesses had been examined so far.

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

7. The veracity of the prosecution case against petitioner and his co-accused shall be adjudicated upon during the course of the trial. Admittedly, he is in custody since 02.06.2023 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 upon the merits of the case, the present petition is allowed and the petitioner, namely, Sahil Kamboj is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish

CRM-M-38773-2023 (O & M) ::4::

(220)

an affidavit each time that he is not involved in any case/crime other than the cases mentioned in the petition.

10. In addition, the petitioner (someone else on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- 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.

11. This petition stands disposed of.

January 24, 2023 (JASJIT SINGH BEDI)
sukhpreet JUDGE

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