

233-2

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-44706-2023
Date of decision:- 30.01.2024

HARPREET SINGH @ HAPPY

....Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Khushagra Mahajan, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 29.01.2024, the same is taken on record. Copy thereof has been supplied to the counsel opposite.

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

FIR No.	Dated	Sections	Police Station
41	07.03.2022	392, 395, 201, 148, 149 IPC	Gharinda, District Amritsar.

3. Brief facts of the case are that complaint was made by Sunny Mahajan working as accountant at RPB Wine Khasa stating that on 06.03.2022 at about 11 AM when the complainant and Rajesh were present

in the office then three muffled face persons entered the office holding datar in their hands and three persons standing outside the office looted an amount of ₹5,09,540/- and also tried to snatch mobile phone of the complainant but during scuffle cloth from their faces fell down and identified two assailants namely Satinderpal Singh and Manpreet Singh @ Mannu and hence the FIR.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner was nominated in the case on the disclosure statement made by co-accused Satinderpal Singh and Manpreet Singh. He submits that the only allegation against the petitioner is that petitioner along with two other co-accused robbed the complainant by showing deadly weapons. He submits that petitioner is custody since 08.03.2022, challan has been presented in Court and charges have been framed, as such he prays for grant of concession of bail to the petitioner.

5. Learned State counsel on the other hand submits that considering the nature and gravity of the offence, petitioner is not entitled for concession of bail and prays for dismissal of the bail petition. However, he has not controverted the factual matrix of the case.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution the petitioner was named in the case on the basis of disclosure statement made by co-accused Satinderpal Singh and Manpreet Singh. As per the allegations, petitioner along with two other persons robbed them by showing deadly weapons and also threatened to cause injury. Petitioner was arrested in this case on 08.03.2022 and since then he is in custody, possible recovery has been

effected from the petitioner, after completion of investigation challan has been presented in Court, charges have been framed, meaning thereby that petitioner is not required for further investigation. Prosecution has cited 14 witnesses and none of them have been examined till date. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no useful purpose would be served by keeping the petitioner behind bars any longer.

7. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

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

(SANJIV BERRY)
JUDGE

30.01.2024

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