

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-44590-2023 (O&M)
Date of Decision:- 06.02.2024

SHUBHDEEP SINGH @ SHUBH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Amit Arora, Advocate for the petitioner.

Mr. Harpreet Singh, Additional AG 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
157	25.08.2019	307, 34 IPC 25 of the Arms Act	Chheharta, District Amritsar

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. He submits that petitioner was not named in the FIR, however, his name surfaced on the basis of disclosure statement made by co-accused Jagdeep Singh @ Tholu, who has already been granted the concession of bail vide order dated 19.08.2020 passed in CRM-M-9959-2020 (Annexure P-1). He further contends that the petitioner had not participated in the alleged

occurrence and as per the case of prosecution, the only role attributed to the petitioner is that he provided a pistol to accused Jagdeep Singh @ Tholu. He submits that the petitioner is in custody since 17.11.2019 and the conclusion of trial will take sufficient long time. He thus prayed for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel has opposed the bail petition on the ground that the petitioner was involved in a heinous crime and as such he is not entitled to the concession of bail. However, he has not disputed that the only role attributed to the petitioner is of he provided weapon to co-accused Jagdeep Singh @ Tholu, but no such weapon was ever recovered in the case.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that petitioner was nominated on the basis of disclosure statement of co-accused Jagdeep Singh @ Tholu, who has already been granted the concession of bail by this Court vide order dated 19.08.2020 (Annexure P-1). The only role attributed to the petitioner is qua providing a weapon to co-accused Jagdeep Singh @ Tholu. Admittedly, no recovery of any weapon allegedly provided by the petitioner has been effected. Challan has already been presented in Court. The conclusion of trial will take sufficient long time 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.
8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)

JUDGE

06.02.2024

S.Sharma(syr)

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