

2024.PHHC.122569



209.

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-51254-2023

Date of decision: 17.09.2024

Sukhdev Singh @ Sebu

.... Petitioner

Versus

State of Haryana

.... Respondent

**CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**

Present: Mr. Brijeshwar Singh Bhalla, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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**GURBIR SINGH, J.**

1. This petition has been filed under Section 439 of Cr.P.C for grant of regular bail to the petitioner in case FIR No.121, dated 04.04.2018, registered under Sections 397, 34 of IPC, 1860 and Section 25 of Arms Act, 1959 at Police Station Sadar Fatehabad, District Fatehabad.

2. As per prosecution version, during the intervening night of 03/04.04.2018, petitioner along with co-accused Manwinder @ Nika, Jagsir @ Sira and Gagan @ Gaggi committed dacoity at Bhadu Filling Station, Badopal, by robbing Rs.10,000/- and one mobile from the complainant Naresh; Rs.5,760/- and mobile phone from co-worker Bhup Singh and also filled petrol in their car amounting to Rs.2,000/-, took away 8 cans of mobil oil, by using deadly weapons i.e. pistol and kappa.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present FIR. It was registered against unknown persons. Petitioner was not named in the FIR. He was arrested in this case on 10.10.2018 on the basis of his disclosure statement recorded in police custody in another case. Recovery has already been effected from him. Challan in this case has already been presented. Conclusion of trial will take long time. No useful purpose would be served by keeping the petitioner behind bars any longer.

4. Learned State counsel has opposed the bail to the petitioner considering the allegations levelled against him. He further submits that the petitioner is a habitual offender and is involved in other cases as well. He further submits that out of 27 witnesses, 9 witnesses have been examined so far.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the file.

6. Considering the fact that the petitioner is in custody for the last 5 years, 11 months and 6 days after his arrest; culpability of the petitioner would be determined during trial; and completion of trial will take some time, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the

satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty Magistrate, with the further condition that he shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned court. The court concerned may impose any other condition as it deems fit. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

**(GURBIR SINGH)**  
**JUDGE**

**September 17, 2024**  
sanjeev

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