

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-54233 of 2023(O&M)
Date of Decision: 06.02.2024

Sukhmander Singh @ Bhushi @ Bhushi Sidhana

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Ritesh Aggarwal, Advocate
For the petitioner.

Mr. J.S. Guru, AAG Punjab.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking grant of regular bail in criminal case having FIR No. 147 dated 12.07.2023, registered under Sections 399, 402 and 307 IPC and Sections 25, 27 and 30 of Arms Act at Police Station City Rampura, to which Section 201 IPC was added lateron.

2. On oral request made by counsel for the petitioner and no objection given by the State counsel, Section 201 IPC, which has been added lateron, is permitted to be incorporated in the petition, wherever necessary.

3. The prosecution story in nutshell is that police received a secret information on 12.07.2023 that accused persons including the petitioner who have assembled in an abandoned brick kiln are planning to commit dacoity and all the accused are armed with deadly weapons. On the basis of the said secret information, FIR was registered. Then the police party raided the disclosed place from where police apprehended co-accused Gurpreet Singh

@Gopi and recovered one pistol of 7.65 mm from him while the other accused managed to escape from there.

4. The counsel for the petitioner submits that the petitioner was not arrested from the place of aforesaid recovery and was lateron apprehended by the police on 13.07.2023 and there are allegations that one licensed 12 bore gun belonging to co-accused Gurpreet Singh was recovered from his possession. It is further contended that the petitioner has been falsely implicated in this case and further on completion of investigation challan stands presented in the Court concerned and that the petitioner is presently lodged in judicial custody. So, prayer is made that the petitioner be released on regular bail.

5. The present petition is resisted by the State counsel who submits that petitioner succeeded in escaping from the spot and was arrested on the very next day along with licensed gun belonging to co-accused Gurpreet Singh. It is further submitted that the trial is at its initial stage and that no ground is made out to enlarge the petitioner on bail at this point of time.

6. I have considered the submissions made by counsel for the parties.

7. Admittedly the petitioner was not apprehended from the place of occurrence and was lateron arrested on 13.07.2023 along with one licensed weapon belonging to co-accused. After completion of investigation, challan has been presented but the trial is at its initial stage. Admittedly, the recoveries are already effected and it will take time for the trial to conclude.

Similarly situated co-accused Manoj Kumar @ Mauji was granted

concession of bail by this Court vide order dated 09.01.2024 having CRM-M-51366 of 2023 The trial is going on but it will take time for the trial to terminate. In the given circumstances, even if the petitioner is involved in some other criminal cases, no purpose is going to be served by detaining the petitioner for any longer period.

8. In light of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

06.02.2024

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**(KARAMJIT SINGH)
JUDGE**

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