



CRM-M-58404-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-58404-2024 (O&M)**

Date of Decision: 27.11.2024

Sandeep Singh @ Sunny Bharkila

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajat Dogra, Advocate for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.28 dated 19.02.2020, under Sections 302, 394, 323, 379-B, 396, 148, 149 IPC, registered at Police Station Lopoke, Amritsar, District Amritsar.

2. As per facts of the case, complainant- Harbhej Singh made a complaint to the Police, wherein it was alleged that on 18.02.2020, he alongwith his brother Ajaypal Singh and one Jugraj Singh sitting on pillion were coming to his village on their motorcycles. At about 9:00 p.m., when they reached at turning point of village Lawa, then 3-4 young persons standing on the road, who were having motorcycle, stopped the motorcycle of his brother and being afraid, he also stopped his motorcycle. He saw in the light of the motorcycle that four persons attacked his brother Ajaypal Singh with Datar and other sharp edge weapons, which they were carrying



and they also caused injuries to Jugraj Singh as well who was sitting pillion. Thereafter, they threw his brother Ajaypal Singh on the road. When they left, the complainant rushed to his brother Ajaypal Singh. The assailants taken away the mobile phone of his brother. They shifted his brother to Amandeep Hospital, Amritsar, however, his brother died in the hospital. Thus, request was made to take legal action against the culprits. On the complaint made, the FIR was registered and the investigation commenced. During the investigation, Manbir Singh @ Mannu @ Baba Nihang was arrested and he made a disclosure that he alongwith Manpreet Singh, Ranjit Singh, Bansant Singh and Sandeep Singh (petitioner) had intercepted the motorcycle of Ajaypal Singh with an intention to rob. He was already in custody. Thereafter, the petitioner was taken on production warrant and was arrested in this case on 27.08.2020. He approached the Court of learned Additional Sessions Judge, Amritsar praying for grant of regular bail, however, on hearing both the sides, learned Court declined the same vide order dated 04.10.2024. Hence, the petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

3. It has been vehemently contended by counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that neither the petitioner was named in the FIR nor any role has been attributed to him. He submits that after the registration of the FIR, the petitioner has been implicated in this case on the basis of the confessional statement made by the co-accused, namely, Manbir Singh @ Mannu @ Baba Nihang. He submits that even otherwise the confessional statement of the co-accused is not an admissible evidence. He submits that after having



been arrested, some recoveries were planted on him to justify the arrest of the petitioner in this case. He submits that similarly situated co-accused have already been granted bail by this Court vide orders dated 10.05.2022, 23.02.2023 and 15.05.2023. He submits that at the time of grant of bail to co-accused Harjit Singh @ Gonder, his custody was two years, whereas, the petitioner has undergone incarceration of more than four years as on date. He submits that though the petitioner has been prosecuted in five other cases, however, he is on bail in those cases. It is submitted that though the petitioner is behind bars from the last more than four years, however, there is no substantial progress in the trial and thus, his right of speedy trial is miserably defeated. He thus submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is a habitual offender, who has already been prosecuted in five other cases. He has submitted that during the investigation, co-accused Manbir Singh @ Mannu @ Baba Nihang was arrested and he specifically named the petitioner. He submits that the petitioner was already behind bars in some other case and thus, his custody was taken in the present case on the production warrant. It is further submitted that recovery of motorcycle and weapon used in the offence and one purse was made from the petitioner. He thus submits that complicity of the petitioner in the present case is duly proved. He has placed on record the custody certificate of the petitioner and has submitted that the petitioner is involved in five other cases. On instructions, he has submitted that out of total 22 prosecution witnesses, 03 witnesses have been examined



so far. He thus submits that the present petition being devoid of any merits deserves to be dismissed.

5. After hearing counsel for the parties and perusing the record, it is apparent that occurrence in the present case had taken place on 18.02.2020. However, during the investigation, one accused, namely, Manbir Singh @ Mannu @ Baba Nihang was arrested and it is on his confessional statement, the petitioner has been named in the present case. Though recovery of motorcycle, datar and one purse has been allegedly shown to be effected from the petitioner, however, it is an admitted fact that co-accused, namely, Harjit Singh @ Gonder was granted bail by this Court vide order dated 10.05.2022 and his custody was two years at the time of granting bail, whereas, the petitioner has suffered incarceration of more than four years. As submitted before this Court, only 03 witnesses have been examined so far, out of 22 prosecution witnesses. Though the petitioner is involved in other cases also, however, he is on bail in those cases. Needless to say that speedy trial is right of every accused.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is

ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

27.11.2024

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No