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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-65241-2023

Date of decision: 24.01.2024

Khushpreet Singh alias Golu alias Khusa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. A.S. Sekhon, Advocate for the petitioner.

Mr. G.S. Sidhu, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case having FIR No.92 dated 06.07.2023 under Sections 384/336 of IPC and Sections 25/54/59 of Arms Act, at Police Station Jaito, District Faridkot.
2. The allegations in nutshell are that on 06.07.2023, 3 unknown motor cyclists reached near Charni Da Dhaba in area Jaito Gali and tried to extort money from the inhabitant of that area by extending threats to them and they also fired in the air. Later on, the petitioner was nominated as accused on the basis of disclosure statement made by co-accused Deepak Mann and resultantly, arrested on 11.07.2023 and after completion of investigation, police has presented the challan and now the trial has commenced.
3. Counsel for the petitioner submits that the petitioner has been falsely nominated as accused in the present case and the relevance of the

disclosure statement will be tested during trial and that petitioner is in custody for the last about 6 months and no weapon was recovered at the instance of the petitioner and that it will take considerable time for trial to conclude. Counsel for the petitioner further submits that the petitioner is facing 2 other criminal cases wherein he is enlarged on bail. So, prayer is made that the petitioner be released on regular bail.

4. Status report by way of affidavit of Sukhdeep Singh, Deputy Superintendent of Police, Sub Division Jaitu, District Faridkot filed on behalf of the State is taken on record.

5. The present petition is resisted by the State counsel who on instructions from ASI Balwinder Singh submits that the petitioner was arrayed as accused on the basis of disclosure statement made by co-accused Deepak Mann and was arrested on 11.07.2023 and that after completion of investigation, challan has been presented by the police. The State counsel has not disputed the fact that the trial is at its initial stage. The State counsel further submits that the petitioner is having criminal history.

6. Counsel for the petitioner while referring to Annexure P-6 submits that in criminal case having FIR No.87 dated 11.07.2023, the petitioner is already enlarged on bail by the Court concerned vide order dated 25.10.2023. Counsel for the petitioner further submits that in another criminal case faced by the petitioner having FIR No.6 dated 19.01.2023, the petitioner has been granted regular bail vide order dated 10.05.2023 in CRM-M-22585-2023.

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

8. Admittedly, the petitioner was not named in the FIR which was registered against 3 unknown persons who fired in the air and tried to extort money from the resident from the locality. The petitioner was nominated on the basis of the disclosure statement made by co-accused Deepak Mann, the admissibility and relevancy of the said disclosure statement is subject matter of the trial. The petitioner is in custody for the last more than 6 months and no incriminating article was recovered from his possession. In another cases faced by the petitioner, he is stated to be on bail and in the present case, the trial is at its initial stage and it will take considerable time for the termination of the trial. In the given circumstances, no purpose is going to be served by prolonging the judicial custody of the petitioner.

9. For the foregoing reasons, without expressing any opinion 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/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

24.01.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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