

SURJIT SINGH @ SONU @ SURJEET SINGH

....Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Amarjit Singh Ahluwalia, Advocate for the petitioner.
Mr. Sarabjit Singh Cheema, DAG, 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 in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
104	11.08.2023	395, 307, 353, 186, 332 IPC (25 of Arms Act, added lateron)	Cantt. Bathinda, District Bathinda.

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that no specific overt act has been attributed to the petitioner and after his arrest on 11.08.2023 no recovery has been effected from the petitioner and has no concern whatsoever with the allegations leveled in the present FIR. He contends that co-accused Vishal Kumar alias Lala from

whom there was a recovery of country made pistol has already been granted concession of bail by learned trial Court vide order dated 24.01.2024, as such he prays for grant of concession of bail to the petitioner.

3. On the other hand, learned State counsel has assailed the arguments by submitting that the petitioner is involved in heinous crime and as such is not entitled to concession of bail. Learned State counsel has produced custody certificate dated 29.01.2024 and submits that petitioner is in custody for 05 months and 15 days and no other case is there against the petitioner.

4. After considering the rival contentions and going through the record, it transpires that instant FIR was registered against unknown persons, who in a black Skoda car, were trying to commit looting and snatching on the passer-byes and when the police party reached the spot on receiving information, the assailants snatched SLR rifle from PHG Davinder Kumar and ran away and on the basis of statement of informant, accused were nominated and arrested in this case. Admittedly petitioner is not having any criminal antecedents nor any recovery has been effected from him in this case. It is not disputed that co-accused Vishal Kumar alias Lala, from whom one country made pistol along with cartridges were recovered has been granted concession of bail by learned trial Court vide order dated 24.01.2024. The petitioner is in custody since 11.08.2023, challan has already been presented in Court, meaning thereby, the petitioner is not required for further interrogation. The conclusion of trial in the present case to ascertain criminal liability, if any, may take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any

longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

30.01.2024

<i>Gyan</i>	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No