



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

206

**CRM-M-58093-2024
Decided on : 17.01.2025**

Varinder Singh alias Gola

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sachin, Advocate for
Mr. H.S. Chadha, Advocate
for the petitioner(s).

Mr. Amandeep S. Samra, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Instant petition has been filed under Section 483 of BNSS, 2023, by the petitioner – Varinder Singh alias Gola, for seeking regular bail, who has been booked for having committed the offences punishable under Sections 392, 397, 411, 120-B of IPC, later on added, Section 397-B, 323, 201 IPC, in case FIR No. 32, dated 29.03.2024, registered at Police Station City Morinda, Distt. Rupnagar, during the pendency of trial.

2. Learned counsel for the petitioner contends that initial version i.e. FIR was got lodged at the instance of Sandeep Singh, claiming to be an employee in Airtel office in Morinda, who stated that while going to deposit the amount in the Axis Bank, some unknown persons gave him beatings on the right hand with 'Daat' and stole an amount of Rs.1,15,000/- from him. The alleged looters were covering their faces with some cloth.

3. Learned counsel while referring to the final report under Section 173 Cr.P.C., more particularly referred to the statement of Rohit



Kumar s/o Ram Pal, which was got recorded next day, wherein, it is mentioned that he went to make deposit in the *ATM machine of Axis Bank Morinda, some unknown men stole Rs.1,44,000/- from him by attacking him with sharp weapon.* Apart difference in the amount in the initial statement of Sandeep Singh, it does not come anywhere that Rohit was accompanying him and similar factor can be noticed from the statement of Rohit Kumar, who does not speak anything about the name of Sandeep Singh.

4. Learned counsel further points out that, as per the investigation report, the petitioner's name, and also of the other co-accused, has been implicated solely on the basis of assumptions of the complainant. Furthermore, no substantive investigation was conducted by the police to search out the real accused and to verify the facts in complaint. As a result, the petitioner's involvement appears to be entirely fake, malicious and motivated.

Additionally, petitioner is never found involved in any similar cases, and his continued incarceration would serve no meaningful purpose for the prosecution.

5. On the other hand, learned State counsel also does not dispute the factual position addressed by learned counsel for the petitioner, as recorded here-above.

6. Be that as it may, I have carefully considered the submissions from both the sides. Without making any observations regarding the quality or standard of evidence upon which the prosecution seeks to build-up its case, I take note of the fact that the petitioner has been in custody for approximately 10 months. In given circumstances, I find it appropriate to



entertain the petitioner's plea for regular bail, as it pertains to the fundamental question of an individual's liberty.

7. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 17, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No