

207-5

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

**CRM-M No.55963 of 2018 (O&M)
Date of decision: 29.04.2022**

Sombir Singh @ Sombir

....Petitioner

Versus

Central Bureau of Investigation

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Aman Pal, Advocate
for the petitioner.

Mr. Rajeev Anand, Advocate
for the respondent – CBI.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.RCCHG512016S0014 dated 06.10.2016 registered under Sections 120-B, 148, 149, 186, 188, 307, 353, 395, 427, 436, 452 IPC and 25 of the Arms Act and Sections 3/4 of the Prevention to Damage to Public Property Act, 1984 at Police Station CBI SCB, Chandigarh (earlier registered as FIR No.118 dated 27.02.2016 under Sections 148, 149, 186, 188, 307, 353, 395, 452, 436, 427, 420 IPC later on added Section 124-A IPC and Section 25 of the Arms Act and Sections 3 and 4 of the Prevention to Damage to Public Property Act, 1984.

The operative part of the order dated 21.12.2018, vide which interim bail has been granted to the petitioner, is reproduced as under:-

“....Learned counsel for the petitioner submits that as per allegations levelled in the FIR, the petitioner was

identified by an independent witnesses, namely, Satish Hooda and Naveen Dhull but no documentary evidence or photographs were produced by the SIT or CBI. Learned counsel also submits that the petitioner has been implicated due to party faction. There was no eye witness to show that the petitioner was present. It is also the argument of learned counsel for the petitioner that relating to same incident, two FIRs have been registered i.e FIR No.65 dated 20.02.2016 (Annexure P-1) was registered and the petitioner has been released on regular bail in that case vide order dated 20.11.2018 passed by the Additional Sessions Judge, Rohtak. By adding certain more facts, the present FIR has been registered, whereas, the incident is of the same date and the allegations more or less are the same. Learned counsel further submits that similarly situated persons like the present petitioner have been released on regular bail by the lower Court or by this Court.

Learned counsel appearing on behalf of respondent-CBI submits that some of the connected cases are pending for 17.01.2019 and this case may also be kept on that day as not only the bail matters are pending but in some of the cases, the cancellation of bail has also been filed.

Since the petitioners, on the same set of allegations, have already been released on bail and on perusal of contents of both the FIRs, it appears that the incident is same and two different FIRs have been registered, which are not maintainable.

Accordingly, the petitioner is directed to be released on interim bail till the next date of hearing on his furnishing bail/surety bonds to the satisfaction of the trial Court/duty Magistrate.

Adjourned to 17.01.2019 along with other connected cases, which are pending for same date....”

Counsel for the petitioner has submitted that the matter has been amicably settled between the parties out of the Court and some of the prosecution witnesses have not supported the prosecution version and they were declared hostile.

Counsel for the respondent – CBI has not disputed the fact that some of the prosecution witnesses have not supported the prosecution case.

In view of the above, considering the fact that the some of the prosecution witnesses have not supported the prosecution case, the present petition is allowed and the order dated 21.12.2018, vide which the petitioner was released on interim bail, is made absolute.

Liberty is granted to the prosecution to revive this petition, if at any stage, it is found that there is no valid compromise between the parties.

(ARVIND SINGH SANGWAN)
JUDGE

29.04.2022

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No