

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-14993 of 2017 (O&M)

Date of decision : 11.8.2017

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Jogi

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. R.P. Dhir, Advocate for the petitioner

Ms. Jaspreet Kaur, Assistant Advocate General, Punjab.

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H. S. Madaan, J. (Oral)

This application for regular bail has been filed by petitioner – Jogi, an accused in FIR No. 102 dated 25.7.2011, for offences under Sections 328, 379, 411 IPC, registered at Police Station Sadar, Hoshiarpur.

Briefly stated, the facts of the case, as per prosecution story, are that criminal machinery in this case was set into motion by complainant Alla Singh s/o Darshan Singh, r/o Kala Sanghia Road, Jalandhar, who got his statement recorded with the police, wherein

he stated that on 19.7.2011, he was going in Innova car having registration No. CH-3B-4264, registered in the name of Sant Baba Charan Singh, for the purpose of paying obeisance at Mata Chintpurni Mandir. At about 9.00 P.M. when he had reached at Chohal, he came across two women and a man alongwith a child, who signalled him to stop. He accordingly brought his vehicle to halt. Then those persons stated that they want to go to Chintpurni. Accordingly he allowed them to board his car. When they had gone a little distance ahead of village Manguwal, those persons asked him to stop the vehicle as they wanted to have some cold drinks. The complainant was offered a glass of coke, after consuming which, he started feeling dizzy. He parked his car on roadside and went asleep. When he got up on the next day in the morning at about 8.00 A.M. he found himself lying on the roadside of village Mubarkpur in the area of Himachal Pradesh. He was removed to hospital by his friend. According to the complainant, those ladies accompanied by a male had taken away his car, his ATM card, driving licence, purse containing Rs.15,000/-, two mobile phones having sim Nos. 2872117191 and 9814727640. Despite his best efforts, he could not locate them. As such he reported the matter to the police. The matter was investigated and it transpired that Balwinder Kaur w/o Surjit Singh r/o village Kahlwan, Police Station Dasuya, District Hoshiarpur, alongwith one Jogi s/o Gian Masih r/o Village Kahlwan, Police Station Dasuya and Jasbir s/o Stephen of that very village, and one Paramjit Kaur were involved in the incident. Paramjit Kaur was found to be juvenile and was sent to the Juvenile Court. As informed

by the Public Prosecutor, she was convicted by the Juvenile Justice Board, Hoshiarpur, on 29.10.2015. Jasbir and Jogi could not be arrested and were declared proclaimed offenders, whereas Balwinder Kaur was sent up to face trial, which ended in here acquittal.

Later on applicant – Jogi was arrested in this case on 18.12.2016. Presently he is in judicial custody. Challan against him is stated to have been filed which is pending trial.

Learned counsel for the petitioner has stated that the petitioner is behind bars for about 8 months. His co-accused Balwinder Kaur has since been acquitted by the court; that no offence is shown to have been committed by the accused; that the petitioner is not connected with the crime and no identification parade was got arranged to get him identified from the complainant; that conclusion of the trial is likely to take some time, as such he be granted bail.

On the other hand learned State counsel has opposed the request stating that the petitioner alongwith his co-accused had committed a heinous crime and thereafter had absconded, resultantly he was declared a proclaimed offender and it was with great difficulty that he was arrested on 18.12.2016 and further that if he is granted benefit of bail, there is every chance of his absconding and tampering with prosecution evidence.

After hearing the rival contentions of learned counsel for the petitioner and learned State counsel, besides going through the record, I find that no ground for grant of regular bail to the petitioner is made out, keeping in view seriousness and gravity of allegations made against him. Although in the FIR the petitioner and his co-

accused are not named, but they were nominated later on during investigation. As a matter of fact, accused – petitioner Jogi and his co-accused Jasbir had been declared proclaimed offenders and they were arrested later on. After completion of investigation, challan against them has been filed, which is pending trial. Their guilt could be determined during trial. There is reasonable apprehension of the petitioner absconding if granted concession of bail. Therefore, the petition for grant of bail is dismissed.

However, a direction is issued to the trial Court to make earnest efforts to conclude the trial expeditiously by giving short adjournments, preferably within a period of six months from the date of receipt of this order.

(H.S. Madaan)
Judge

11.8.2017

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No