

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-22870 of 2018
Date of Decision: 25.10.2018**

Arshdeep Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

2. CRM-M-26756 of 2018

Jagmeet Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amandeep S. Nirmaan, Advocate
for the petitioners in both the petitions.

Mr. Sandeep Kumar, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

Present petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No.162 dated 24.10.2017 registered for offences punishable under Sections 379-B read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Division no. 8 Ludhiana, District Ludhiana.

Heard.

Learned counsel for petitioners submits that complainant and other eye-witness in their statements before Court have not identified the petitioners and turned hostile.

Learned State counsel on instructions from ASI Emannel Mall submits that though complainant and eye-witness have not supported the

case of prosecution but the same is based on other evidence including the recovery of snatched mobile phone from possession of petitioner-Arshdeep Singh (in CRM-M-22870-2018).

Keeping in view the fact that recovery of snatched mobile phone has been effected from possession of petitioner-Arshdeep Singh, the bail application (CRM-M-22870-2018) filed by him is dismissed.

As no recovery has been effected from petitioner-Jagmeet Singh and he has also not been identified in Court by complainant and other eye-witness, the petition (CRM-M-26756-2018) is allowed. Without expressing opinion on merits, petitioner-Jagmeet Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

October 25, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No