

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

CRM-M No.32061 of 2018

Date of decision : 30.11.2018

Jagjit Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. L. S. Sidhu, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Jagjit Singh has approached this Court by way of filling present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.13 dated 06.02.2018 under Sections 379-B, 411 of the Indian Penal Code, 1860, registered at Police Station – Kot Ise Khan, Distt. Moga, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved. He is in custody since 07.02.2018. The alleged occurrence took place on 05.02.2018 and the FIR was registered on the next day without explaining the delay. The petitioner is neither the owner of the alleged motorcycle nor the driver. As per the police report, the owner of the motorcycle is Gurmail

Singh. Learned counsel submits that challan has been presented and the recovery has already been effected. There is no other criminal case against the petitioner and the complainant has also been examined.

Learned State counsel has not disputed the custody period, examination of complainant and also the fact that petitioner is neither owner nor driver of the motorcycle. However, he has opposed the submissions made by learned counsel for the petitioner on the ground of seriousness of the offence and that recovery of mobile was effected from the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel. I have also perused the contents of the FIR and other documents on the file.

By considering the period of custody undergone by the petitioner which is more than nine and a half months and also the fact that the complainant has been examined; there is no other case against the petitioner, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

However, it is made clear that in case the petitioner is found to be involved in any other case of similar nature, the State is at liberty to move application for cancellation of bail.

30.11.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No