

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5783-2019
Date of decision: 20.05.2019

Jagbir Singh @ Jajj

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.29 dated 10.04.2018 under Sections 379-B (2), 34 IPC and Sections 25/27 of Arms Act, registered at Police Station Tarsikka, District Amritsar.

Learned counsel for the petitioner relies upon the order dated 07.12.2018 passed in CRM-M-53091-2018, vide which co-accused Jobanjit Singh @ Joma has been granted the concession of regular bail, by passing the following order: -

“Learned counsel for the petitioner submits that now the challan stands presented and charges have been framed and for the last three dates, no prosecution witness has been examined and on that account, the second application has been filed.

Learned counsel for the petitioner further submits that the

petitioner was not named in the FIR and was arrested in FIR No. 100 dated 14.04.2018, registered under Sections 399, 402, 379 IPC, Sections 22, 22 of the NPPS Act and Section 25 of the Arms Act at PS- City, Tarn Taran. It is further submitted that during investigation in the aforesaid FIR, on the basis of the disclosure made by co-accused Jagroop Singh, the petitioner was nominated in the present FIR.

Learned counsel for the petitioner further submits that petitioner has already been granted concession of regular bail in aforesaid FIR No. 100, vide order dated 09.07.2018 passed by the Judge, Special Court, Tarn Taran and co-accused of the petitioner, namely Hardeep Singh @ Deepu, who was also nominated in the present FIR on the basis of the disclosure made by Jagroop Singh, has been granted concession of regular bail, vide order dated 02.07.2018 passed by this Court in CRM-M-26632-2018 (Annexure P-2).

Learned State counsel, on instructions from ASI Harbans Singh, has not disputed the factual position, however, submitted that co-accused Jagroop Singh is involved in number of cases and the petitioner was involved in the present FIR on the disclosure made by Jagroop Singh. However, learned State counsel has not disputed the fact that charges have been framed and the case is fixed for prosecution evidence and till date, no prosecution witness has been examined.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner was not named in the FIR and was involved on the disclosure made by co-accused Jagroop Singh; petitioner is not attributed any overt act; he has already been granted regular bail in FIR No. 100 as noticed above and also in view of the fact that no recovery was effected from the petitioner in the present FIR and investigation is complete, the instant petition is allowed. The petitioner is ordered to be released

on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.”

Learned counsel for the petitioner has argued that now the statement of complainant-victim PW1 Jodhbir Singh has been recorded by the trial Court on 02.04.2019 and he has failed to identify the petitioner, while deposing that the accused person present in the Court has not snatched away anything from him as well as his colleague Jugraj Singh and thereafter, he was declared hostile.

Learned State counsel, on instructions from ASI Harbans Singh, could not dispute the factual position, however, submitted that the petitioner is involved in two other cases, in which he is on bail.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

20.05.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No