

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-31447 of 2019

Date of Decision: 04.09.2019

Jagjiwan Singh @ Dholi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gaurav Sharma, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.33 dated 06.02.2019 registered for offences punishable under Sections 379-B, 341, 323 and 34 of Indian Penal Code (for short, "IPC") at Police Station City Barnala, District Barnala. (Offence under Section 379-B IPC is wrongly mentioned in the petition as Section 397-B IPC).

Heard.

Notice of motion.

On asking of the Court, Mr. Avtar Singh Sandhu, Addl. A.G. Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

The petitioner was arrested in this case on 26.06.2019 after addition of offence punishable under Section 379-B IPC.

Learned counsel for the petitioner submits that initially the FIR was registered for bailable offences. The petitioner, after his arrest, was

released on bail. Thereafter, members of shop-keeper union moved an application that petitioner had also snatched a gold chain of Harpreet Kaur and taken away amount of ₹40,000/- from the counter of dairy-shop being run by her husband. These facts nowhere find mention in the FIR and the police without verifying the same has presented challan against the petitioner for offence punishable under Section 379-B IPC.

Learned State counsel on instructions from ASI Surinder Pal submits that the FIR was registered on the statement of Kuldeep Singh. During investigation, an application was moved by members of shop-keeper union, on the basis of which offence under Section 379-B IPC was added. The police during investigation has recorded statement of Harpreet Kaur, wherein she alleged that Gurjant Singh had snatched her gold chain and given beatings of Kuldeep Singh Bangar, who intervened to save her.

The petitioner has been arrested on 26.06.2019. After completion of investigation challan has been presented against him in Court.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of evidence and then trial will take considerably long time, the present petition is allowed. Petitioner-Jagjiwan Singh @ Dholi 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.

September 04, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No