

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

CRM-M-17426-2020

Date of decision:-21.7.2020

Baggu Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.P.S. Sekhon, Advocate
for the petitioner.

Mr.Apoorv Garg, DAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Baggu Singh, aged about 62 years, an accused in FIR No.175 dated 5.4.2019, under Section 379-A and 177 IPC, registered at Police Station City, Fatehabad, District Fatehabad.

Briefly stated, the facts of the case as per the prosecution story are, that criminal machinery in this case was set into motion by complainant Balkaran Singh son of Jagir Singh, resident of Dhani Khanpur, Tehsil and District Fatehabad, who in the written complaint dated 5.4.2019 submitted by him to Incharge, Police Post, Guru

Nanakpura Mohalla, Fatehabad informed that on 5.4.2019 when he along with his wife Smt.Chhinderpal Kaur and children had gone to Gurudwara Jhar Sahib to pay obeisance on the day of Amavasya, at about 3:00 p.m., when they came out of Gurudwara Sahib, then four women encircled her wife and by taking advantage of crowd, pulled gold chain of 10 gms., which his wife was wearing around her neck; his wife raised an alarm then the complainant caught hold of one of the women, whereas her three remaining accomplice fled away. The complainant sought taking of necessary action against the accused and for recovery of the gold chain. After registration of the formal FIR, the matter was investigated. The petitioner/accused had been arrested on 4.3.2020 and in judicial custody since 5.3.2020. He had filed an application for regular bail in the Court of Sessions but the same was dismissed by learned Additional Sessions Judge, Fatehabad vide order dated 15.6.2020, therefore, the petitioner has approached this Court for grant of similar relief.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The petitioner/accused has admittedly not take any active part in snatching of the gold chain of wife of the complainant. He was not apprehended at the spot. The gold chain was recovered from co-accused Kailo wife of Preeta, resident of Kheri, Police Station Pasiyana, District Patiala, who had been apprehended at the spot. The petitioner has been nominated as a conspirator on the basis of third disclosure statement of

co-accused Karnail Kaur on 7.4.2019. The co-accused Karnail Kaur has since been released on bail. The conclusion of the trial is likely to take some time. The guilt of the petitioner/accused would be established only during the trial. Keeping in view, all the facts and circumstances of the case, I find that the petition deserves to be accepted.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Fatehabad, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

21.7.2020

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

(H.S.MADAAN)
JUDGE