

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

110+203 (3 cases)

(1)

CRM-M-331-2021

Date of decision: 30.04.2021

Jobanjit Singh @ Joban

.....Petitioner

Versus

State of Punjab and another

.....Respondents

(2)

CRM-M-41264-2020 (O&M)

Jugraj Singh @ Gajju

.....Petitioner

Versus

State of Punjab and another

.....Respondents

(3)

CRM-M-41768-2020

Shinderpal Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ravinder Singh Bains, Advocate
for the petitioner in CRM-M-331-2021.

Mr. Ashok Giri, Advocate
for the petitioner in CRM-M-41264-2020.

Mr. Ashish Aggarwal, Advocate
for the petitioner in CRM-M-41768-2020.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for respondent No.1-State.

Respondent No.2 did not appear
despite service.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

CRM-11977-2021 in CRM-M-41264-2020

Prayer in this application is for withdrawal of the petition
enabling the petitioner to approach the trial Court again.

Learned Counsel for the petitioner has submitted that the petitioner does not want to continue with the present application and the same may be dismissed as withdrawn.

Dismissed as withdrawn.

Main Cases

Petitioner-Jobanjit Singh @ Joban has filed CRM-M-331-2021, petitioner-Jugraj Singh @ Gajju has filed CRM-M-41264-2020 and petitioner-Shinderpal Singh has filed CRM-M-41768-2020 under Section 439 of the Cr.P.C. for grant of regular bail in case FIR No.176 dated 20.08.2020 registered under Section 379-B read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Nakodar Sadar, District Jalandhar Rural to which Sections 411 and 482 of the IPC and Section 25 of the Arms Act were added lateron.

The above said FIR was registered on statement of Saurav Bansal who alleged that on 20.08.2020 when he was coming to Nakodar on his motorcycle and stopped his motorcycle at village Khoso Kapurthala Nakodar main road, three persons came in ETOS car bearing registration No.PB-12-CZ-2243 with muffled faces and snatched his bag containing amount of Rs.40,000/-, driving licence and two ATM Cards, his motorcycle, purse containing amount of Rs.6,000/- and mobile phone with two SIM Cards. The police investigated the case and during investigation, arrested the petitioners and made recovery of .32 bore pistol and 4 live cartridges from petitioner-Jobanjit Singh @ Joban, car used in crime along with fake number plate from petitioner-Jugraj Singh and motorcycle, .32 bore pistol and kit bag of the

complainant from petitioner-Shinderpal Singh.

The petitioners being in custody have filed the present petitions for grant of regular bail.

The petitions have been opposed by the learned State Counsel in terms of replies filed by way of affidavit of Navneet Singh Mahal, PPS, Deputy Superintendent of Police, Sub Division Nakodar, District Jalandhar.

Notices of the petitions were also given to the complainant who was impleaded as respondent No.2. As per office report respondent No.2 was duly served in CRM-M-331-2021 but none has appeared on his behalf.

Copies of statements of PW-1 Saurav Bansal (the complainant) and PW-2 Manish Gupta have been sent by learned Counsel for the petitioners through e-mail print out of which are taken on record.

I have heard learned Counsel for the petitioners and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioners have submitted that the petitioners have been falsely implicated in the case. The petitioners were not named in the FIR. No test identification parade was got conducted. Alleged recoveries from the petitioners were planted. During trial, the complainant did not identify the petitioners to be the persons who had committed the offences. Remaining prosecution witnesses are yet to be examined. The trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19. No

useful purpose will be served by further detention of the petitioners in custody during trial. Therefore, the petitioners may be granted regular bail.

On the other hand, learned State Counsel has submitted that in view of nature of accusation and gravity of the offences, the petitioners do not deserve grant of regular bail. Therefore, the petitions may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioners, statements of PW-1 Saurav Bansal and PW-2 Manish Gupta who did not support the case of the prosecution and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioners.

In view of the above, the petitions are allowed and the petitioners are ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.04.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No