

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

**CRM-M-7831 OF 2021**

**DATE OF DECISION : 26.03.2021**

**Jasbir Singh**

**...Petitioner**

**versus**

**State of Punjab**

**...Respondent**

**CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Rishu Mahajan, Advocate,  
for the petitioner.

Mr. Rana Harjasdeepsingh, DAG, Punjab.

**(Presence marked through video conference).**

**ARUN MONGA, J. (ORAL)**

This is second bail petition seeking regular bail in case FIR No.120 dated 12.08.2019 registered under Sections 379-B/411/34 IPC at Police Station Cantonment Amritsar, District Amritsar. Earlier petition was dismissed as withdrawn vide order dated 01.09.2020 passed by this Court.

2. Per allegations, petitioner along with his co-accused snatched the purse of complainant containing one mobile phone make OPPO and cash amounting to Rs.50,000/-.

3. The petitioner is stated to be in custody since 13.03.2020.

4. Learned counsel for the petitioner strenuously argues that petitioner has been falsely implicated in the case and recovery also has been planted upon the petitioner, as is borne out from the inordinate delay and even the admitted prosecution version of the case. He points out that the FIR

in question was registered on 12.08.2019 and yet for inexplicable reasons, the petitioner was arrested after a gap of 07 months on 13.03.2020 and it is on the same date, the alleged recovery of cell phone is stated to have been made from the petitioner. He further contends that it is rather intriguing that Investigating Officers who have the power to seek tracking of the cell phone from the service providers (Telecom Network) by giving IMEI number of the cell phone, did not do so.

6. As regards IMEI number, he contends the same was available with the Investigating Officer, as is borne out from the fact that purchase bill of the mobile cell phone bearing IMEI number was provided by the complainant herself to the Investigating Officer.

7. In respect of the antecedents of the petitioner of having been implicated in as many as 04 more FIRs, he contends that 03 of those relate to NDPS Act in which the petitioner is on bail. In one, he was implicated for allegedly carrying 05 grams of Heroine (in FIR No.30 of 28.04.2017), in second case alleged recovery is of 70 grams of Heroine (in FIR No.76 dated 23.11.2018). In both these cases it was the non commercial quantity. In third case, though he is alleged to have been implicated on the basis of disclosure statement, but there was no recovery from him. In any case, the said FIR bearing No.86 of 14.07.2018 was though registered in the year 2018 and despite a lapse of three years, no challan has been filed in the same. The fourth (FIR No.42 dated 14.02.2018) is a case registered under Section 379-B/34 IPC. It is further contended that the petitioner has been wrongly implicated in this case also (FIR No.42 dated 14.02.2018), as is borne out from the status of the case. The FIR was registered way back on 14.02.2018 and despite filing of the challan, none of the prosecution witnesses are

coming forth and the trial is getting unnecessarily delayed, though the petitioner is on bail there also.

8. Per contra, learned State counsel opposes the bail plea. He argues that petitioner is a habitual offender as he is involved in as many as four other cases registered against him. He, however, admits that petitioner is on bail in all those cases.

9. I have heard rival contentions of learned counsel for the parties.

10. It does seem to be a case where the petitioner has fallen in bad company and has been suffering the outcome thereof. I am of the view that if given a chance, petitioner would reform himself so as to stay away from such a company in future. Any further incarceration of the petitioner would only adversely affect his mental and physical up being. Per learned counsel for the petitioner, petitioner is the sole bread winner of his ailing parents who are dependent upon him and living with him, as the elder brother of petitioner has fallen out from the family and is staying separately with his family.

11. Challan in the case has been presented but charges are yet to be framed. Most of the prosecution witnesses are police officials. There, thus, seems no apprehension that petitioner would influence or pressurize them. The trial is not likely to commence or conclude any time soon in view of delays being caused by the current pandemic.

12. Considering the overall scenario, I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody. In the premise, without commenting on the merits of the case, the instant petition is allowed.

13. The petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

14. It is, however, made clear that anything observed in the instant order is only for the purpose of bail and shall not be construed in any manner as an expression on the merits of the case. The trial Court to proceed without being influenced by the same.

**MARCH 26, 2021**  
Shalini

**(ARUN MONGA)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No