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

(Through video-conferencing)

**1. CRM-M No.22857 of 2021
Date of Decision: 22.07.2021**

JAGSEER SINGHPetitioner

Vs

STATE OF PUNJABRespondent

2. CRM-M No.23235 of 2021

KARAMJIT SINGH @ MOTUPetitioner

Vs

STATE OF PUNJABRespondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Ashish Gupta, Advocate
for the petitioner in CRM-M No.22857 of 2021.

Mr. R.S. Dhaliwal, Advocate
for the petitioner in CRM-M No.23235 of 2021.

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CRM-M No.22857 of 2021 and 23235 of 2021 are being decided. Since both the cases have arisen out of same FIR, therefore, facts are being culled out from CRM-M No.22857 of 2021.

Petitioner(s) seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.46 dated 22.04.2021, registered under Sections 379 and 413 IPC (Sections 411 & 473 added later on) at Police Station Bajakhana District Faridkot.

FIR was registered on the basis of secret information to the effect that Nachhatar Singh @ Bhola, Surjit Singh, Karamjit Singh @ Mottu (petitioner in CRM-M No.23235 of 2021), Gaggi Singh, Jagsir Singh (petitioner in CRM-M No.22857 of 2021) and Janta Singh were habitual of stealing valuable copper and coil etc. from transformers installed in the fields and areas of village Bargari Bajakhana and Jaito. The accused used to sell the same to Sanjeev Kumar @ Ashu Ram. The accused were apprehended. Sukhjot Singh, Surjit Singh @ Billi and Budh Singh were nominated on the basis of disclosure statements of Karamjit Singh @ Motu (petitioner in CRM-M No.23235 of 2021). Seven plastic bags containing copper were recovered from the house of Surjit Singh son of Fangam Singh. In the FIR, offences under Sections 379, 413, 411 and 473 IPC have been alleged.

Learned counsel for the petitioner(s) submitted that petitioner Jagseer Singh is in custody since 22.04.2021 and petitioner-Karamjit Singh @ Motu is in custody since 23.04.2021. They are not involved in any other case as per custody certificate filed by learned State counsel. Recovery of

alleged booty of theft particularly in the absence of any theft case in the past would remain debatable. The recoveries of tools alone cannot advance commission of theft anywhere and the petitioner(s) cannot be treated to be habitual in commission of theft. Co-accused Sanjeev Kumar @ Ashu Ram has been granted anticipatory bail vide order dated 28.05.2021 passed in CRM-M No.19652 of 2021.

Learned State counsel on instructions from ASI Rajinder Singh, however opposed the bail on the ground that challan has been submitted on 20.07.2021 and now 02.08.2021 is the date fixed for framing of charges.

Having heard learned counsel for the parties, I find that the allegations are of recipient of booty of alleged theft which would remain debatable in view of facts and circumstances of the case.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner(s) on regular bail.

In view of above, both the petitions are allowed. Petitioners are ordered to be released on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction

of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to
be an expression of opinion on merits of the case.

July 22, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No