

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

224

**CRM-M-25523-2021**

**Date of decision: 03.08.2021**

Jaspal Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. K.S. Godara, Advocate  
for the petitioner.

Mr. Manish Dadwal, Asstt. A.G., Haryana  
for the respondent-State.

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**ARUN KUMAR TYAGI, J (ORAL)**

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

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.280 dated 05.11.2020 registered under Section 379-A of the Indian Penal Code, 1860 at Police Station Kalanwali, District Sirsa.

The above said FIR was registered on complaint made by Deepak Kumar. In his statement Deepak Kumar alleged that on 02.11.2020 at about 06:30 P.M. when he was standing in the street in front of his house, one boy came on scooty of white colour and snatched his mobile phone. He made enquiries at his own level and came to know that Jaspal @ Babbi (the petitioner) had snatched his mobile phone. The police investigated the case and during investigation arrested the petitioner and recovered white colour scooty from his possession. In his disclosure statement the petitioner implicated co-

accused Bittu Singh. Co-accused Bittu Singh was arrested and snatched mobile phone was recovered from his possession. On completion of investigation the petitioner and his co-accused were charge-sheeted by the police to face trial.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Kuldeep Singh Beniwal, HPS, Deputy Superintendent of Police, Dabwali in the Registry of this Court which is taken on record.

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

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. There was undue and unreasonable delay in lodging of the FIR. The petitioner was falsely named by the complainant, who did not previously know him, at the instance of the police. No test identification parade was got conducted. Snatched mobile phone was recovered from possession of co-accused Bittu Singh who has been granted bail by learned D/Sub Divisional Judicial Magistrate, Dabwali vide order dated 13.11.2020. The petitioner was falsely implicated in two other cases of similar nature but he is on regular bail in those cases. The trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioner was identified by the complainant to be the person who snatched his mobile phone. The petitioner is a habitual offender. In view of the nature of accusation, gravity of offence and involvement of the petitioner in two cases of similar nature, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that recovery of mobile phone was made from co-accused Bittu Singh who has been granted bail by learned D/Sub Divisional Judicial Magistrate, Dabwali vide order dated 13.11.2020 and also the fact that the trial is likely to take long time due to restrictions imposed to prevent 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 petitioner.

In view of the above, the petition is allowed and the petitioner is 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.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence after his release on bail and in case of commission of any similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed by the prosecution in this regard.

03.08.2021

Vinay

(ARUN KUMAR TYAGI)  
JUDGE

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