

Sr.No.222

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

CRM-M-27300 of 2021

Date of decision:20.07.2021

Inderjit Singh

... Petitioner

versus

State of Punjab

... Respondent

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. J.P.Ratra, DAG, Punjab.

Through Video Conference

Arvind Singh Sangwan, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.21 dated 14.04.2021, for offence punishable under Section 379-B IPC registered at Police Station Kacha Pacca, District Tarn Taran.

Counsel for the petitioner has submitted that petitioner is the first offender and is in custody since 14.04.2021. Counsel for the petitioner has submitted that, as per the allegation in the FIR, registered at the instance of Joginder Kaur, her son is running a shop in the house. He had gone outside to purchase some material and the complainant was sitting in the shop when two young men came on a motor cycle and by showing a sharp edged weapon, under threat took away one gold earring from her left ear. In

the meantime, when she raised voice one Sarabjit Singh and Nachhattar Singh came on the spot and on seeing them the assailants ran away. It is further stated that Sarabjit Singh told the name of the assailants as Gurjant Singh and Inderjit Singh. Counsel for the petitioner has submitted that it will be a matter of trial that either the proper identification of the petitioner as assailant was there is proved or not.

Counsel for the petitioner has further submitted that investigation is complete and therefore, the petitioner is not required for further investigation.

Counsel for the State has filed the custody certificate which is taken on record and has not disputed that petitioner is not involved in any other case.

After hearing the counsel for the parties, without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he is in judicial custody since 14.04.2021 and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

20th July, 2021

[ARVIND SINGH SANGWAN]

Shivani Kaushik

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No