

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

(Sr. No. 225)

CRM-M No. 43847 of 2021

Date of decision : 01.12.2021

Saraj Singh @ Sarjan Singh @ Kaka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail in FIR No. 32 dated 23.02.2018 under Sections
392, 395, 342, 457 and 380 IPC at Police Station Baghapurana, district
Moga.

Briefly stated, the case of the prosecution is that in the
intervening night of 22/23.02.2018, 1474 bags, each containing 50 Kgs.
rice, were stolen from a warehouse. On 08.03.2018, Rajwinder Singh,
Chowkidar of the warehouse got recorded his statement that while he was
having his dinner at a *Dhaba* he had overheard co-accused Chanan Singh @
Channa, Jasvir Singh @ Jassa, Gurcharan Singh and Gurmej Singh to have
stolen the rice. On 09.03.2018, the complainant also got recorded his
statement that Kuldip Singh and Santokh Singh had approached and

informed him that they had purchased stolen rice from the petitioner and other co-accused including Gurcharan Singh and Jasvir Singh @ Jassa. On the basis of above, the petitioner and his co-accused, including Jasvir Singh @ Jassa and Gurcharan Singh, were nominated as accused.

Though other co-accused were arrested, the petitioner, Gurcharan Singh, Jasvir Singh @ Jassa and Chanan Singh @ Channa absconded. They were declared proclaimed offenders. Later, Gurcharan Singh, Jasvir Singh @ Jassa, Chanan Singh and the petitioner were arrested. Investigation was completed and a final report qua the petitioner and his other co-accused was then presented before the Trial Court.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner has no other criminal case pending against him; the only evidence against the petitioner is hearsay evidence which is inadmissible; investigation qua the petitioner is complete; through orders of this Court dated 08.10.2021 passed by a Coordinate Bench in CRM-M No.41554 of 2021 – Jasbir Singh @ Jasvir Singh @ Jassa Vs. State of Punjab and CRM-M No.34832 of 2021 – Gurcharan Singh Vs. State of Punjab respectively, co-accused Jasvir Singh @ Jassa and Gurcharan Singh, who are identically placed as the petitioner and had also been declared proclaimed offenders, have been granted regular bail and that the petitioner's trial which is yet to begin will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is a member of a gang indulging in stealing of essential commodities and that in this very case the petitioner was declared a proclaimed offender.

The value of the evidence against the petitioner would be debated during the course of his trial. However, the petitioner is in custody since 25.06.2021; investigation in the case is complete; no further recovery is required to be made from the petitioner; co-accused Jasvir Singh @ Jassa and Gurcharan Singh, who are similarly placed as the petitioner, have been granted regular bail by a coordinate Bench of this Court through orders dated 08.10.2021 in CRM-M No.41554 of 2021 – Jasbir Singh @ Jasvir Singh @ Jassa Vs. State of Punjab and CRM-M No.34832 of 2021 – Gurcharan Singh Vs. State of Punjab respectively and that the petitioner's trial, which is yet to begin, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Moga the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

01.12.2021*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No