

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

223

CRM-M-13548-2022

Date of Decision : July 15, 2022

LOVEPREET SINGH @ LABHA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Malkiat Singh, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present is a second petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.189 dated 4.6.2021 under Sections 379B/34/411/201 IPC, registered at Police Station Derabasi, District Mohali (SAS Nagar).

The learned counsel for the petitioner has submitted that the petitioner is in custody from 19.7.2021 and challan was presented on 3.9.2021 but the charges in the present case have not been framed. He submitted that it is a case where the allegations against the petitioner are that the complainant who was carrying some cash and jewellery had taken lift in an Innova car where four persons were already present in the car and while crossing Dappar toll plaza they diverted the car and snatched cash of Rs.1,40,000/- and gold jewellery of Rs.13-14 lacs. He submitted that the police confiscated the car on the basis of CCTV footage and it

belongs to the other co-accused, namely, Vipin Kumar and he was arrested. He submitted that so far as the present petitioner is concerned, he has been nominated purely on the basis of the disclosure statement made by other co-accused, namely, Vipin Kumar and he is in custody since one year. He further submitted that the petitioner has clean antecedents and is not involved in any other case and only because the petitioner belongs to the same village as that of aforesaid Vipin Kumar that he has been falsely nominated. He submitted that even the story presented by the complainant may also be false so as to escape his own liability from other person.

On the other hand, the learned State counsel has stated that it is correct that the petitioner is in custody from 19.7.2021 and he is not involved in any other case and it is also correct that the Innova car which was confiscated belongs to the co-accused, namely, Vipin Kumar and the name of the petitioner was nominated purely on the basis of the disclosure statement made by the co-accused and the petitioner belongs to the same village as that of Vipin Kumar. He submitted that it is also correct that the petitioner has clean antecedents and is not involved in any other case but in the present case there was a recovery of 37 grams of ornaments from the petitioner which has been identified by the complainant.

I have heard the learned counsels for the parties.

It is a case where on the basis of a complaint made by the complainant that he had taken the lift in a car in which four persons were sitting and they had snatched some jewellery and cash from him. On the

basis of CCTV footage, the Innova car was confiscated by the police which belonged to the co-accused, namely, Vipin Kumar and it was only on the basis of the disclosure statement of aforesaid Vipin Kumar that the petitioner's name has been nominated. The challan has already been presented after completion of the investigation. As per the learned counsels for the parties no recovery is to be effected from the petitioner. As per the learned counsels for the parties, the petitioner is not involved in any other case. After considering the arguments raised by the learned counsels for the parties, this Court is of the view that the petitioner deserves the concession of regular bail.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

July 15, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No