

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

CRM-M-16148-2022

Date of Decision:-24.08.2022

Jagdeep Singh & Anr.

.....Petitioners.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Anil Kumar Garg, Advocate for the Petitioners.

Mr. Hakam Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the petition under section 439 Cr.PC is for the grant of regular bail to the petitioners in case FIR No.30 dated 26.02.2022 under Sections 379-B and 34 IPC and Section 25 of the Arms Act registered at Police Station City Jagraon, District Ludhiana Rural.

The brief facts of the case are that the statement of Jarnail Singh came to be recorded who stated that he worked as labourer on 26.02.2022. He was going to Jagraon city to buy household articles on his motor cycle and when he reached near Bulbul Feed Factory then at about 4.35 PM from the opposite side a white coloured Verna car bearing registration number PB-10-EL-0225 was parked on the road and four boys with haircuts were standing there whom he knew. He recognized them as

Harpreet Singh son of Bahadar Singh, Kuldeep Singh son of Manak,

Jagdeep Singh @ Jaggu son of Uttam Singh and Sukhdeep Singh son of Malkit Singh. They stopped him and Harpreet Singh took out pistol from his pocket and point towards him and asked him to give whatever he had with him. Jagdeep Singh searched his pockets and took out his mobile phone and a cash amount of Rs.5600/- and Sukhdeep Singh took his silver bangle from his left arm. They all manhandled him and Harpreet Singh gave a bite to him. Thereafter he returned back to his home, spoke to his wife and gave information to the police leading to the registration of the FIR.

The Counsel for the petitioner contends that the allegations against the petitioner are completely baseless. It does not stand to reason that persons known to the complainant would commit the offence in question. In fact the petitioners have been wrongly named in the FIR, pursuant to the registration of which the complainant himself has furnished an affidavit Annexure P-1 stating that he had wrongly got registered the names of the petitioners and their co-accused. He further contends that the petitioners are in custody since 27.02.2022 and non of the 11 prosecution witnesses have been examined. The petitioner no.1 is involved in one other case which has been compromised and another which is pending the details of which have been set out in the para 11 of the petition.

The Counsel for the State on the other hand contends that the petitioners have been duly named in the FIR. No advantage can be taken by the petitioners of the affidavit purportedly furnished by the complainant exonerating the accused. He however, does not deny the period of custody undergone by the petitioners as also the fact that none of the 11 prosecution witnesses have been examined so far.

I have heard learned counsel for the parties at length.

Admittedly, the petitioners are in custody since 27.02.2022. Out of 11 prosecution witnesses, none have been examined till date and therefore the trial of the case is not likely to be concluded in near future. In such a situation the further incarceration of the petitioner is not required.

Thus without commenting on the merits of the case, the present petition is allowed and the petitioners-**Jagdeep Singh** son of Sh. Uttam Singh and **Sukhdeep Singh** son of Sh. Malkit Singh are ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that they are not involved in any other crime other than the present case.

If the petitioners or their family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 24, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>