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

CRM-M-26270-2022

Date of decision:05.07.2022

JATINDER ALIAS DANY AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Vipin Mahajan, Advocate for the petitioners.

Ms. Bhavna Gupta, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., where through the present bail petitioners seek indulgence of regular bail being accorded to them.
2. FIR No.125 of 10.12.2021, constitutes therein an offence under Section 379-B of IPC, and, is lodged at Police Station Taragarh, District Pathankot, therein the commission of incriminatory offences are attributed to the bail petitioners.
3. Both the bail petitioners, along with two other accused are alleged to, through brandishing a knife, at the complainant hence succeed in taking extortionate possession of the complainant's car.
4. At this stage, it is stated by the learned State counsel that, from amongst the four accused only two have been arrested, and, that the investigating officer concerned, has in respect of the arrested accused, presented an affirmative report under Section 173 of the Cr.P.C., before the learned Magistrate concerned. However, she submits, that the other two accused are not yet arrested, and, that after the investigating officer concerned, causes their

arrest, he shall proceed to file a supplementary challan against them, before the Court concerned.

5. The learned counsel appearing for the petitioners submits that, there is no grave incriminatory evidence collected by the investigating officer concerned, especially when the identity of the accused has remained unestablished through the holding of a valid test identification parade, wherein, the accused were identified by the complainant. However, the vigor of the afore submission becomes completely unhinged, in the wake of the learned State counsel placing on record, the signed disclosure statement, as made, by the arrested accused, wherein, they confess their committing the crime, and, also confess that, they extortionately acquired possession of the complainant's vehicle, and, also caused its alienation to certain unknown persons. Moreover, though obviously, the recovery of the stolen car cannot be effected, at the instance of the present bail petitioners, to the investigating officer concerned, but yet an offence under Section 201 IPC, can be added qua them either in the report under Section 173 of the Cr.P.C., or in the charge sheet which may become drawn against them, by the learned Magistrate concerned.

6. Be that as it may, since the sale proceeds of the stolen car, which may have been received by the present bail petitioners, from the vendor(s) rather unknown to them, has been submitted by the learned counsel for the petitioners, on instructions given to him, by the bail petitioners, for being amenable for their apposite conjoint deposit, in the establishment of the learned Magistrate concerned, and, also with his further submitting that, the disbursements thereof, would become regulated by the outcome of the trial, as may become entered into, by the learned Magistrate concerned. Therefore, after accepting the afore submission, this Court especially, given the prolonged judicial incarceration of

the bail petitioners, does not deem it fit, and, appropriate to further prolong it, as thereupon their personal liberty would become unnecessarily fettered, and, curtailed, but subject to the bail petitioners within a week from today, hence conjointly depositing in the establishment of the learned trial Magistrate concerned, a sum of Rs.50,000/-, whose disbursement, shall be regulated by the outcome of the trial, as may become entered into, by the learned trial Magistrate concerned.

7. With condition (supra), the present bail petition is allowed, and, the bail petitioners are ordered to be released from judicial custody, by the learned Magistrate concerned, through appositely drawn release warrants, but subject to theirs furnishing personal, and, surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to theirs not tampering with prosecution evidence, and, also theirs not influencing prosecution witnesses, and, besides theirs appearing before the trial Court concerned, as and when directed to make their personal appearances unless they become validly exempted.

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(SURESHWAR THAKUR)
JUDGE

05.07.2022

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