

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

Date of decision : 01.06.2022

1. CRM-M-23311-2022(O&M)

Jagir Singh

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M-23315-2022

Harpal Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Prateek Pandit, Advocate
for the petitioners in both the petitions.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

CRM-21196-2022

Allowed as prayed for.

Annexure P-5 is taken on record subject to all just exceptions.

Main petitions

This order will dispose of two petitions filed under Section 439

under Sections 420, 379-B, 120-B, 468, 471, 473 IPC (Sections 468, 471, 473 IPC added later on) at Police Station Zirakpur, District S.A.S. Nagar (Mohali).

The first petition, i.e. CRM-M-23311-2022 has been filed by Jagir Singh and the second petition, i.e. CRM-M-23315-2022 has been filed by Harpal Singh and Ram Lal.

Learned counsel for the petitioners have submitted that in the present case, the petitioners have been in custody since 19.01.2022 and the challan has already been presented and there are 18 prosecution witnesses and none of them have been examined, thus, the trial is likely to take time. It is further submitted that the petitioners are not involved in any other case. It is also submitted that as per the report under Section 173 Cr.P.C., the complainant has been duped for a sum of Rs.13,67,500/- and out of the said amount, substantial amount has been recovered. It is stated that as per the FIR, it was the petitioner Harpal Singh, who posed himself as Naik Gurdeep Singh, had snatched the bag of the complainant containing the amount of Rs.10 lacs but a perusal of the challan would show that the said version given by the complainant had been changed in the supplementary statement dated 19.01.2022 given by the complainant and as per the said statement, it was Balwinder Singh, who had taken the said bag which contained Rs.10 lacs. It is further submitted that there is no allegation levelled against petitioner Jagir Singh (stated to be Grewal Sahib in the FIR) and Ram Lal to the effect that they had snatched the bag containing Rs.10 lacs.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioners along with other accused have duped the complainant by taking away his bag

containing Rs.10 lacs.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioners are stated to have been in custody since 19.01.2022 and the challan has already been presented and there are 18 prosecution witnesses and none of them have been examined, thus, the trial is likely to take time. The petitioners are stated to be not involved in any other case. Substantial amount of money, out of the amount of which the complainant has been allegedly duped, is stated to have been recovered. The version of the complainant in the FIR is not in consonance with the version given in the supplementary statement which has been reflected in the challan. The said issue would be finally adjudicated during the course of trial and this Court does not wish to give a final opinion with respect to the same as the same could prejudice the case of either of the parties.

Keeping in view the above said facts and circumstances, both the petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to them not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

June 01, 2022

Davinder Kumar

DAVINDER KUMAR
2022.06.03 16:11
I attest to the accuracy and
authenticity of this order

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No