

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

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CRM-M-28327-2022 (O&M)

Date of Decision: 27.10.2022

Jaspreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. G.S.Randhawa, Advocate,
for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by SI Surinder Pal.

GURVINDER SINGH GILL, J. (Oral)

CRM-40094-2022

For the reasons mentioned in the application, the same is allowed and the statement of the complainant annexed with the application is taken on record as Annexure P-3 subject to all just exceptions.

CRM-M-28327-2022

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.27 dated 08.04.2022 at Police Station Mukandpur, District Saheed Bhagat Singh Nagar, under Section 379-B IPC.
2. The FIR was lodged at the instance of Jagdish Lal, wherein it has been alleged that on 08.04.2021, when he was proceeding towards his house

- from bus-stand Gunachaur on his cycle, then he was waylaid by 3 persons, who came on a motor-cycle and snatched his mobile phone and his purse containing Rs.1000/-. The complainant also alleged that one of them inflicted a blow on his back with the help of a *datar*. The complainant further alleged that later upon enquiries, he came to know that motor-cycle bearing registration No.PB-32Q-6386 was being driven by Jaspreet Singh (petitioner) and that pillion riders were Sonu and Bantu.
4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity would be evident from the fact that when the complainant was examined during the proceedings of trial, he has absolutely resiled from his statement and did not identify the petitioner to be the accused.
 5. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and the motor-cycle used in the occurrence stands registered in the name of petitioner's brother, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 5 ½ months and that he is not involved in any other case.
 6. This Court has considered rival submissions.
 7. Having regard to the facts and circumstances of the case particularly the fact that the petitioner has been behind bars for a substantial period of about 5 ½ months and the complainant has resiled from his statement inasmuch as he has not identified the petitioner to be the accused, further detention of the petitioner will not serve any useful purpose as the

conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.10.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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