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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.27612 of 2022 (O&M)

Date of decision: 05.07.2022

Gurjeet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.74 dated 18.05.2022, for offence punishable under Section 379-B of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station City Jalalabad, District Fazilka.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of ASI Jarnail Chand, while on petrol duty, he received a secret information that 03 persons namely Beant Singh, Lakhwinder Singh @ Lakhu and the petitioner – Gurjeet Singh are in possession of the stolen mobile phone and were selling the same and they are coming on a motorcycle and if a barrier is laid, they can be apprehended. Thereafter, all the 03 accused persons were apprehended.

Counsel for the petitioner has argued that one of the co-

accused of the petitioner has already been released on regular bail and the petitioner, who is a student of B.A. Part III has moved an application even before the Court of Sessions that he is to appear in his final exam of 4th Semester commencing w.e.f. 23.06.2022 to 22.07.2022, however, the prayer was declined on the ground that it is not clear that where is the centre of the petitioner. The petitioner has produced the Admit Card, showing the centre of his examination, which is at G.G.D.A.V. College, Block III, Jalalabad (Annexure P-3). It is further submitted that there is no complainant in the case and only on the basis of some secret information that the petitioner is in possession of a stolen phone, the FIR has been registered and his career is at stake, if he is not permitted to appear in the exam. Lastly, it is submitted that the petitioner is in custody for the last 01 month and 15 days and he is not involved in any other case.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 month and 15 days; the co-accused of the petitioner is already released on bail; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required; the petitioner has to appear in the final exam of 4th semester and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty

Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

05.07.2022

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