

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

CRM-M-31641-2022

Date of Decision: September 07, 2022

JATINDER KUMAR @ SONU

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. M.S. Atwal, AAG, Punjab.

AMAN CHAUDHARY, J.(ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in respect of FIR No.81 dated 26.05.2022 under Section 379-B, 34 IPC, registered at Police Station City Batala, Police District Batala, District Gurdaspur.

Succinctly, the facts of the case are that on 12.05.2022 at about 6.15 PM, daughter of the complaint and his wife were going to purchase household articles on scooter No.PB-18U-0522. When they reached near Grand Way-2 hotel, two unknown persons came on a black motorcycle from behind and they snatched the gold chain weighing 8 grams from the neck of the daughter of the complainant. Later on Gurdeep Singh Kahlon identified those two persons as Sonu DJ wala and one another. This fact was disclosed by Gurdeep Singh Kahlon to the complainant.

Learned counsel for the petitioner submits there was delay of 14 days in lodging the FIR as the alleged incident is stated to have taken place

on 12.05.2022 whereas the FIR has been registered on 26.05.2022. There was no recovery including that of gold chain which has been effected from the petitioner. It is also stated that the petitioner has been falsely implicated in the present case on account of the suspicion that he is involved in four other cases. Thus, with a view of solving the present case, the Police has implicated the petitioner, even though he has no concern with the alleged incident and the recovery. It is further submitted that petitioner is in custody for 03 months and 08 days. It is further submitted that challan stands presented and charges have been framed. No prosecution witness has been examined yet.

Learned State counsel on the other hand opposes the bail petition on the ground that the delay in lodging the FIR is not of 14 days on account of the fact that the complaint was received by the Police on 18.05.2022. He submits that at best, it could be belated by only 6 days and not 14 days as has been stated by learned counsel for the petitioner. He further submits that a motorcycle has been recovered from the petitioner and there are four other FIRs lodged against the petitioner. He further affirmed the fact that though charges have been framed, however, out of 12 witnesses no prosecution witness has yet been examined.

In rebuttal learned counsel for the petitioner submits that petitioner has been falsely implicated in all four cases and is on regular bail by the trial Court.

Heard, learned counsel for the parties.

Keeping in view of the facts and circumstances of the present case and the fact that the recovery of motorcycle has already been effected and no gold chain has been recovered from the petitioner; he is in custody

for the last 03 months and 08 days; there are 12 prosecution witnesses out of which none has yet been examined, the charges have been framed recently on 05.09.2022 in all other cases. In all other connected cases the petitioner has already been granted regular bail and the fact that trial will take sufficient time to conclude, the present petition for grant of regular bail deserves to be allowed.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurise/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. Any infraction shall entail in withdrawal of the benefit granted by this Court.

It is, however, clarified that nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made above, which

have only been made for the purpose of adjudicating the present petition for grant of regular bail.

07.09.2022

Sangeeta

(AMAN CHAUDHARY)
JUDGE

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