

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

CRM-M-34529-2022

Date of decision :10.08.2022

Jaskaran Singh @ Jassi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE JASGURPREET SINGH PURI

Present: Mr. Anupam Sharma, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.122 dated 13.04.2020, under Section 379-B of the Indian Penal Code, registered at Police Station City Kharar, Tehsil Rupnagar, District SAS Nagar, Mohali, Punjab.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 10.04.2021 which is more than 1 year and 4 months. He further submitted that although this is a successive bail petition filed by the petitioner and the earlier bail petition was withdrawn by the petitioner since at that point of time the complainant was not examined and thereafter, the second bail petition was also dismissed on the ground that he had filed second bail petition after a period of about two months. He further submitted that after the

dismissal of the earlier bail petition on 10.02.2022 there is a change of circumstance that the complainant and some other witnesses have been examined. He further submitted that the petitioner has been falsely implicated in the present case because he was earlier involved in two other cases but he has been acquitted in those two cases. He further submitted that the trial of the case may take more time and since the material witnesses have already been examined, the petitioner may be considered for the grant of regular bail. He further submitted that the subject matter of the alleged theft was a mobile phone along with a purse and some other articles.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has stated that it is correct that the petitioner is in custody from 10.04.2021 which is more than 1 year and 4 months and the material witnesses including the complainant have already been examined. He further submitted that the petitioner was involved in two more cases but he was not aware of the fact as to whether he was acquitted or not.

I have heard the learned counsel for the parties.

After the dismissal of the earlier bail petition the material witnesses including the complainant have already been examined and therefore, the successive bail petition would be maintainable. As per the learned counsel for the parties, the subject matter of the alleged theft was a mobile phone along with a purse and some other articles. The trial may take long time and therefore, this Court is of the view that the petitioner deserves the concession of regular bail.

Consequently, the present petition is allowed. The

petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

**(JASGURPREET SINGH PURI)
JUDGE**

10.08.2022

rakesh

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No