

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-36689-2022

Date of decision : 10.10.2022

Jagga Singh @ Joga @ Joginder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Kunal Choksi, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.44 dated 20.04.2021 registered under Sections 379, 34, 413 IPC at Police Station Nurpur Bedi, District Rupnagar, Punjab.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 14.05.2021 and the investigation is complete and the challan has already been presented and there are 13 witnesses and out of which, one witness has been examined and thus, the trial is likely to take time. It is further submitted that tipper which was allegedly stolen, has already been recovered and thus, no purpose would be served by keeping the petitioner in further incarceration.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that in the present case,

basis of which, the present petitioner was nominated as an accused in the present case and thereafter, the present petitioner was arrested on the basis of disclosure statement and the tipper in question has been recovered. It is further submitted that the petitioner is involved in several other cases.

Learned counsel for the petitioner, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in “***Maulana Mohd. Amir Rashadi vs. State of U.P. and another***”, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

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

The petitioner has been in custody since 14.05.2021 and the investigation is complete and the challan has already been presented and there are 13 witnesses and out of which, one witness has been examined and thus, the trial is likely to take time. The stolen tipper has already been recovered.

Keeping in view the above said facts and circumstances and in view of the law laid down in the ***Maulana's*** case (supra), the present petition is allowed and the petitioner is ordered to be released on bail on his

furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him 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

October 10, 2022
Davinder Kumar

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