

**(217) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-44536-2021

Date of decision : 04.04.2022

Jagsir Singh @ Seera

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Mr. Sandeep Singh Deol, DAG, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.317 dated 26.06.2021, registered under Sections 21, 22, 29, 61 and 85 of NDPS Act and Section 379-B IPC at Police Station City Barnala, District Barnala (Annexure P-1).

The brief facts of the case are that the complainant-Neerja Goyal wife of Vijay Goyal got recorded her statement with the Police that she was serving as a S.S. Mistress in Govt. Senior Secondary School. On 25.06.2021 while coming back from her duty when she alighted from the and moved towards the gate of her house then one unidentified motorcycle came from the backside and the motorcyclist forcibly snatched the purse of the complainant and pushed her down due to which she fell down. The said motorcyclist succeeded to run away from the spot along with her purse which contained Rs.5,500/- cash, Aadhaar Card, PAN Card, Voter Card and some school documents.

During investigation of the case on 29.06.2021, the complainant got record her supplementary statement that she remembered the last four digits of the said motorcycle as Hero Splendor 7275 and stated that the alleged accused was 27/28 years old. On the same day, a secret informer informed the police about the complete number of the motorcycle used by the accused as PB19G7275.

Based on the information provided the present petitioner was arrested and on being remanded to police custody got effected the purse containing the Aadhaar Card and a polythene packet containing 5 grams of intoxicating powder, which he had purchased from his co-accused Money and Bittu. Thereafter, the other accused also came to be arrested from time to time.

The learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been nominated as an accused on the basis of the supplementary statement of the complainant and the information provided by some secret informer. He contends that the recovery has been planted on the petitioner and even otherwise the recovery of 5 grams of intoxicating powder was made from the abandoned colonies of Patti Road and is of non-commercial quantity. He further submits that the petitioner has been in custody since 02.07.2021 and the challan in this case was submitted on 27.08.2021, the charges framed on 27.10.2021 and now the case is listed for prosecution evidence. He further submits that in another FIR No.80 dated 02.07.2021 registered against the petitioner, he has already been granted the concession of regular bail by this Court in 'Jasveer Singh alias Seera Vs. State of Punjab in CRM-M-38342-2021 decided on 09.03.2022'.

On the other hand, the learned State counsel has argued that such kind of offences are on the rise and petitioner is a habitual offender as this is the second case pending against him. He, however, does not dispute the factum of custody as also the fact that the recovery of the intoxicating powder from the petitioner is of non-commercial quantity.

I have heard the rival contentions of both the parties.

Admittedly, the learned State counsel placed on record custody which would reveal that the petitioner has been in custody since 02.07.2021. In the other cases registered against the petitioner, he has been granted the concession of regular bail. Since, the report under Section 173 Cr.P.C. has already been submitted, the investigation therefore is complete. The further incarceration of the petitioner is thus not required. Moreso, the trial is not likely to be concluded in the near future.

In view of above, without adverting to the merits of the case and keeping in view the aforementioned facts, I deem it appropriate to enlarge the petitioner on regular bail.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

Nothing expressed hereinabove would be construed to be an expression of any opinion on the merits of the case.

(JASJIT SINGH BEDI)
JUDGE

04.04.2022
JITESH

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