

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

238

CRM-M-58857 of 2022
Date of Decision:21.12.2022

Jagroop Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajan Singh Dadwal, Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.213 dated 24.08.2021, under Sections 379-B(2), 506, 511, 34 IPC, registered at Police Station Sarabha Nagar, District Ludhiana.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 08.08.2022 and the investigation of the case has already been completed and thereafter the report under Section 173 of the Code of Criminal Procedure has been submitted to the competent Court. He submitted that as per the allegations, three boys including the other two co-accused namely Binder Singh and Sandeep Singh had unsuccessfully tried to snatch mobile and they also gave *Dah* on the back side of the neck and head of the complainant and

his brother respectively. He submitted that in fact there was a money dispute between the complainant and the petitioner and it was only because of the aforesaid dispute that the petitioner and the other co-accused have been falsely implicated. He further submitted that the aforesaid two other co-accused have already been extended the benefit of regular bail by a co-ordinate Bench of this Court in CRM-M-1524 of 2022 on 21.04.2022 and the petitioner is also at parity with the aforesaid co-accused. He further submitted that the petitioner is not a habitual offender and is not involved in any other case and therefore he may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab has stated that it is correct that the petitioner is in custody from 08.08.2022 and the other two co-accused have already been granted bail by a co-ordinate Bench of this Court on 21.04.2022 and it is also correct that the petitioner is not a habitual offender and is not involved in any other case and the investigation of the case has already been completed and thereafter the report under Section 173 of the Code of Criminal Procedure has been submitted to the competent Court. He has however submitted that even as per the learned counsel for the petitioner that there was a dispute between the complainant and the present petitioner and therefore the petitioner cannot be said to be at parity with the aforesaid other two co-accused.

I have heard the learned counsel for the parties.

The investigation of the case has been completed and the petitioner is in custody from 08.08.2022. As per the learned counsel for the parties the petitioner is not a habitual offender and is not involved in any other case and in fact it was an attempt to snatch the mobile phone which was never snatched. The other co-accused have already been granted bail by a co-ordinate Bench of this

Court but a persual of the FIR would show that the petitioner is also at parity with the other co-accused. Furthermore, it is not the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or he may repeat the offence.

After considering the arguments advanced by learned counsel for the petitioner, 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 only meant for the purpose of decision of these two petitions.

(JASGURPREET SINGH PURI)
JUDGE

December 21, 2022

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