

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-3909-2022****Date of decision : 26.04.2023****Jagga Singh****.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ*********

Present :- Mr. Vivek Singla, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

*********RAJESH BHARDWAJ, J. (Oral)**

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.0188 dated 21.10.2021, under Section 379-B of IPC (offence under Section 34, 201 of IPC added later on), registered at Police Station Kotwali, District Bathinda.

Succinctly, the facts of the case are that the statement of Pardeep Kaur @ Rinku was recorded. It was alleged that on 19.10.2021 when she along with her friend Neetu Chhabra was going from Dr.Arvind Sharma's Hospital then in the meantime two clean shaven young men came on motorcycle. The pillion rider snatched her black coloured bag from her hand and escaped. Her friend Neetu Chhabra though tried to follow the motorcycle, however, they succeeded in making their good escape. Prayer was made to take legal action against the culprits. On the basis of the complaint, FIR was registered and investigation commenced. During investigation, police arrested the petitioner on 06.11.2021. Petitioner approached the Court of learned Additional Sessions Judge, Bathinda

praying for grant of bail and he was granted bail by the Court on 07.12.2021. However, the petitioner remained absent on 04.07.2022 and thus, his bail was cancelled and bail/surety bonds were forfeited to the State by the trial Court on the same date and thereafter, he was arrested on 21.09.2022. Petitioner approached the Court of learned Sessions Judge, Bathinda praying for grant of bail. However, after hearing both the sides, learned Sessions Judge declined the same vide order dated 04.01.2023. Aggrieved by the same, petitioner is before this Court praying for grant of regular bail.

It has been contended by counsel for the petitioner that petitioner has been falsely implicated in this case. He submits that as evident, petitioner was arrested on 06.11.2021 and was granted bail by the trial Court vide order dated 07.12.2021. He submits that due to miscommunication with his counsel, he absented only on one date i.e. on 04.07.2022 and thus, his bail was cancelled. He submits that thereafter, petitioner was arrested on 21.09.2022 and till date, he is behind bars. He submits that the co-accused of petitioner is already on bail. He further submits that petitioner has no criminal antecedents and he is not involved in any other case. It has been submitted by counsel for the petitioner that the material witnesses have already been examined and hence, the petitioner is not even in a position to influence the prosecution witnesses. He has submitted that in the facts and circumstances of the case, petitioner deserves to be granted regular bail.

Learned State counsel, on the other hand, has submitted that complicity of the petitioner in the case is writ large. He submits that after arrest of the petitioner, recovery was also made from him. He further submits that though the petitioner was granted bail after his arrest but he did not show any regard to the bail granted and jumped the bail and on account of the same, his bail was cancelled. It is submitted that out of 11 prosecution

witnesses, 04 witnesses already stand examined. As per his instructions, petitioner is not involved in any other case.

I have heard counsel for the parties and perused the record.

Evidently, petitioner was arrested initially in this case and was granted bail by the trial Court, however, he remained absent on 04.07.2022 and hence, his bail was cancelled. Thereafter, petitioner had been arrested on 21.09.2022 and till date, he is behind bars. There is nothing on record to show that the petitioner has any criminal antecedents. Out of 11 prosecution witnesses, 04 witnesses already stand examined. Co-accused of the petitioner is also on bail in this case.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

26.04.2023
m. sharma

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