

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4254-2023

Date of decision : 30.05.2023

Saaba Singh @ Jaan

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manoj R.Sharma, Advocate for the petitioner.

Ms. Lavanya Paul, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.85 dated 13.11.2020 under Sections 379-B, 34, 392 and 411 Indian Penal Code, 1860 registered at Police Station Nangal Bhoor, District Pathankot, who is in custody since his arrest on 01.02.2021.

The allegations in the FIR, as noticed by the learned Additional Sessions Judge, Pathankot in the order dated 07.01.2023 are as under:-

“Brief facts of the prosecution case are that present FIR has been registered on the statement of complainant Dharam Pal son of Bhawar Lal with the allegations that he was resident of village Jasghasar, District Sheekar Rajasthan and he was serving as driver in IVC Lagistic Limited Company at Gurgaon On 10.11.2020, he was going towards Jalandhar side after delivering the 2 cars of Maruti company at Jammu on container Truck bearing No.MII-12-NX-7648 then at about 09.30 PM, when he reached ahead of Mirthal, one Balero Camper chased his truck and gave signal him to stop by following him and he stopped his truck/container on the left side of road and three youngster came out from said Balero and two persons were Hindu gentlemen and one was Sikh and they started saying that, he has caused accident at Lakhanpur border and fled away from Lakhanpur border and their owner wants to seen him and therefore, they made him to sit

inside the Balero Camper and they also told that, his container/ truck is also required and thereafter, one person started driving his truck and after some time, said person turned his Balero and truck turned towards Pathankot side and they reached at Malikpur side and then they turned Balero and Truck towards Amritsar side and he opposed them by saying that, why they are going to Amritsar side instead of Lakhanpur border and then all persons told him to keep silent and thereafter, he kept mum and after going for some time, all the persons stopped Balero and Truck in isolated area. They threatened him and they committed theft of 5 Tyres, one steepeny and had also taken away 2 batteries of Truck by loading the same in Balero and they also took away his mobile having Sim bearing Nos. 76659-42736 and 81044-72390 and they also snatched Rs.20,000/- from him and after going at the distance of 2 Kilometer, he came to know that the area falls in police station Kalanaur, District Gurdaspur. Thereafter, he reached at police station Kalanaur and narrated the entire occurrence but, police officials told him that information regarding occurrence should be given to concerned police station. Thereafter, he along-with Manager Brijesh Tiwari was going to police station for registration of FIR, but police party met him at 11.50 PM, where his statement was recorded. On the basis of aforesaid statement of the complainant, the present FIR was registered.”

Learned counsel has argued that the petitioner has been falsely implicated in this case and a common case was set up against him and his co-accused. He has further invited the attention of the Court to Annexure P-3 to contend that co-accused-Balwinder Singh @ Davinder Singh @ Tinnu has already been extended the concession of regular bail by the trial Court. According to him, trial is not making any headway as out of total 19 prosecution witnesses only one witness has been examined so far and even the complainant is not appearing before the trial Court for recording his deposition. He prays for bail.

Learned State counsel assisted by ASI Rajesh Kumar has opposed the prayer on the ground that the petitioner participated in the crime. She on instructions further states that the case is now fixed for 06.06.2023 for recording the prosecution evidence before the trial Court.

After hearing learned counsel for the parties and considering the

above background as well as the custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 01.02.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

30.05.2023
vanita

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