

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 12.05.2023

(1) CRM-M-9303-2023 (O & M)

Gurpreet Singh Petitioner

V/s

State of Punjab ...Respondent

(2) CRM-M-19689-2023 (O & M)

Baljinder Singh Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gourave Bhayyia Gilhotra, Advocate,
with Mr. Akash Manocha, Advocate,
(in CRM-M-9303-2023).
Mr. Ashok Kumar Khunger, Advocate
(in CRM-M-19689-2023)
for the petitioner(s).

Mr. Harkanwar Jit Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of two criminal miscellaneous petitions
i.e. CRM-M-9303-2023 and CRM-M-19689-2023 as they arise out of the
same FIR.

For the sake of convenience, the facts are being taken from the
petition bearing CRM-M-9303-2023 titled as 'Gurpreet Singh versus State
of Punjab'.

2. The prayer in the present petitions under Section 439 Cr.P.C. is for the grant of regular bail to the petitioners-Gurpreet Singh and Baljinder Singh in case FIR No.134 dated 24.12.2022 under Sections 341, 379-B IPC (Section 411 IPC added later on) registered at Police Station Bahawala, District Fazilka.

3. The brief facts of the case are that the statement of one Guddi Devi was recorded to the effect that two bike riders, subsequently, known to be the petitioners had snatched her earrings after threatening to kill her.

Based on the aforesaid allegations, the instant FIR came to be registered.

4. The learned counsels for the petitioners contend that they have been falsely implicated in the present case. In fact, the police officials of Police Station Bahavwala had registered the present FIR to solve their unsolved cases and had implicated the petitioners in FIR No.133 dated 24.12.2022 under Sections 379-B and 454 IPC registered at Police Station Bahavwala, District Fazilka and the present FIR i.e. FIR No.134 dated 24.12.2022 under Sections 341, 379-B IPC (Section 411 IPC added later on) at Police Station Bahavwala, District Fazilka. As the petitioner-Gurpreet Singh (in CRM-M-9303-2023) was in custody since 25.12.2022 and the petitioner-Baljinder Singh (in CRM-M-19689-2023) was in custody since 23.01.2023 and none of the 10 prosecution witnesses had been examined so far, the petitioners were entitled to the concession of bail as the Trial was not likely to conclude anytime soon.

5. The learned counsel for the State, on the other hand, contends that the petitioners are habitual offenders. Against Gurpreet Singh one other case has been registered whereas against the petitioner-Baljinder Singh, two more cases have been registered. From the petitioner-Gurpreet Singh, a *kappa* came to be recovered whereas from the petitioner-Baljinder Singh earrings were recovered. The serious nature of the allegations levelled against the petitioners did not entitle them to the grant of bail. He, however, concedes that the petitioners are in custody for the last 4/5 months and none of the 10 prosecution witnesses have been examined so far.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against the petitioners shall be established during the course of the Trial. Admittedly, the petitioner-Gurpreet Singh (in CRM-M-9303-2023) is in custody since 25.12.2022 and the petitioner-Baljinder Singh (in CRM-M-19689-2023) is in custody since 23.01.2023. None of the 10 prosecution witnesses have been examined so far, and therefore, the Trial is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioners is not required.

8. Thus, without commenting upon the merits of the case, the present petitions are allowed and the petitioners, namely, Gurpreet Singh (in CRM-M-9303-2023) and Baljinder Singh (in CRM-M-19689-2023), are ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioners shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that they are not involved in any case other than the cases referred to hereinabove.

10. The petitioners-Gurpreet Singh and Baljinder Singh (or through someone on their behalf) shall prepare an FDR in the sum of Rs.50,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from Trial without sufficient cause.

(JASJIT SINGH BEDI)

JUDGE

May 12, 2023

sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No