

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9398-2023
Date of Decision:-22.03.2023

JERMAN ALIAS JOHNY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Sanjeev Kumar Arora, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.124 dated 3.7.2022 registered under Sections 379/411 IPC at Police Station Division No.8, District Ludhiana.

The aforesaid FIR was registered on the statement of Ravi Mohan who informed the police regarding theft of his black Tata safari No.PB10-CB-9949 from DMC Hospital Ludhiana on the night intervening between 2/3.7.2022. He also informed to the police that another white i20 car was stolen from outside the house of Tanuj Jain resident of Udham Singh Nagar Ludhiana. During investigation petitioner and Iqbal Singh were

arrested. There are allegations that the stolen i20 car was got recovered by both of them from disclosed placed but Tata Safari belonging to Ravi Mohan has not been found till date.

The counsel for the petitioner submits that the FIR was registered against unknown persons who committed theft of two different cars belonging to two different persons and that the petitioner was arrested in this case on 16.7.2022 and recovery of i20 car is already effected and on completion of investigation, challan was presented and charges were framed, but prosecution failed to examine any witness till date. The counsel further submits that co-accused Iqbal Singh @ Bunty has already been granted concession of regular bail vide order 16.2.2023 (Annexure P-4) passed by this Court.

The present petition is contested by the State counsel who submits that petitioner is involved in 4 other cases of similar nature and that now trial has commenced. However, the State counsel has not disputed the fact that petitioner is in custody since 16.7.2022 and recovery of stolen car of Tanuj Jain has been effected and further that the trial is at its initial stage.

I have considered the submissions made by counsel for the parties.

Admittedly all the offences are triable by the Court of Judicial Magistrate Ist Class and the petitioner is behind the bars since 16.7.2022 and till date no prosecution witness has been examined and it will take considerable time for the trial to conclude and similarly situated co-accused Iqbal Singh @ Bunty has already been granted regular bail by this Court. So

no purpose is going to be served by prolonging judicial custody of the petitioner for any indefinite period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

22.03.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No