

CRM-M-15318-2023

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(221)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15318-2023
Date of Decision: 19.04.2023

HIMMAT SINGH @ HAPPY

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.194 dated 21.08.2021 registered under Sections 379-B, 411, 468, 471, 473, 120-B, 148, 149 IPC at Police Station Cantonment Amritsar.

2. The present FIR came to be registered at the instance of Dr. Praveen Devgan son of Sh. Ved Parkash who stated that on 20.08.2021 at about 11.15 PM, while he and his son Satwik were roaming in their Verna car bearing No.PB85-0021 black colour, suddenly, unidentified persons came on a Splendor motorcycle from the back and fled away after snatching the car.

During the course of investigation, Sky Love Masih @ Rohit and Manmohitdeep Singh @ Joban who were travelling in the snatched Verna car bearing a fake number plate i.e. HR85-D-6727 were arrested and the car was

taken into police possession. The said car was identified by the complainant as his own car.

On the basis of the disclosure statement of the aforementioned accused, Jaspal Masih @ Babbu son of Buta Masih and Vishal @ Kattu (since granted bail vide order dated 13.02.2023 passed in CRM-M-55735-2022 Annexure P-9) were nominated as accused. It was disclosed that they had taken the car without documents from Vishal @ Kattu through Jaspal Masih. The offence under Section 148 IPC was deleted and Sections 411/120-B/468/471 IPC was added vide DDR No.24 dated 09.09.2021. Jaspal Masih was arrested in this case on 09.09.2022.

During custodial interrogation, Love Masih @ Rohit and Manmohitdeep alias Joban suffered their disclosure statement on 10.09.2021 stating that at the time of taking the above-said Verna car from Vishal @ Kattu and Jaspal Masih, the accused Vishal @ Kattu had told them that he (Vishal @ Kattu) along with his friend i.e. the petitioner-Himmat Singh @ Mohan Bhandaria had snatched the above-said car from Amritsar and had displayed a fake number plate thereon. Love Masih @ Rohit and Manmohitdeep Singh @ Joban had purchased this snatched car for Rs.5,00,000/- only. Thereafter, the offence under Section 468/471 IPC was deleted and offence under Section 473 IPC was added.

Subsequently, the report under Section 173(2) Cr.P.C. was submitted against Sky Love Masih @ Robin, Manmohitdeep Singh @ Joban and Jaspal Masih on 20.08.2022.

Thereafter, during investigation, co-accused Vishal @ Kattu (since granted bail) and the petitioner who were already in custody in FIR No.143 dated 07.09.2022 under Sections 25 (6) (7) (8) of Arms Act, 120-B IPC at Police Station Majitha Road, Amritsar City were brought on production warrant and were arrested in the present case on 15.09.2022.

Thereafter, co-accused Karan @ Maan son of Tilak Raj was arrested in the present case after being brought on production warrant. A supplementary challan was submitted against Vishal @ Kattu, the present petitioner and Karan @ Maan.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. Nothing incriminating has been recovered from him. In fact, his name has been mentioned in the disclosure statements of his co-accused. A compromise had already been arrived at between the complainant on the one hand and the co-accused Manmohit Deep Singh and Sky Love Masih on the other. The recovery of the vehicle has also been effected from them. A quashing on the basis of a compromise has also been filed before this Court bearing No.3173-2022 which is pending adjudication. As the petitioner was in custody since 07.09.2022, none of the 16 prosecution witnesses had been examined so far and he had been granted the concession of bail in the one other case registered against him vide order dated 16.11.2022 (Annexure P-3), he was entitled to the similar relief in this case as well as his co-accused namely, Vishal @ Kattu had already been granted the same relief.

4. A short reply dated 18.04.2023 by way of an affidavit of Kanwaljeet Singh, PPS, Assistant Commissioner of Police, West, Amritsar City has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that the nature of the allegations did not entitle the petitioner to the grant of regular bail. He, however, does not dispute the factual narration of a quashing on the basis of compromise having been filed, the period of custody undergone by the petitioner, the stage of Trial as also the fact that the co-accused Vishal @ Kattu has been granted bail.

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

6. Admittedly, the petitioner has been named in the disclosure statement of his co-accused who have effected a settlement with the complainant. There is one other case pending against the petitioner in which he has been granted bail vide order dated 16.11.2022 (Annexure P-3). He has been in custody since 07.09.2022. None of the 16 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In such a situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Himmat Singh @ Happy son of Iqbal Singh'o is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

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8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- 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 petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

19.04.2023

JITESH

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