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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15392-2023 (O&M)

Date of decision: July 05, 2023

Sujal Babbar @ Krishna Babbar

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Dhruv Gupta, Advocate for petitioner.

Ms. Guramrit Kaur, DAG Punjab.

ARUN MONGA, J. (ORAL)

Petitioner, stated to be 19-year old employee of the complainant, seeks bail in criminal case bearing FIR No.0008 dated 20.01.2023, registered under Sections 379-B, 34 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station E Division, District Police Commissionerate Amritsar.

2. Per FIR, on 20.01.2023, two unknown ultras armed with gun came outside the jewellery shop of complainant-Tejinder Singh, one of whom entered the shop and another one waited outside. The one who entered the shop, looted 300 grams of gold Ptries on gun point. An FIR was registered in this regard.

3. Learned counsel for petitioner submits that petitioner has falsely been implicated in the present case. He contends that petitioner was implicated on the basis of supplementary custodial statement suffered by the complainant. No recovery has been made from the petitioner. Allegations have been leveled against the petitioner only in the aforesaid supplementary statement. He contends that petitioner has nothing to do with the offence in question. Petitioner is working in the jewellery shop of the complainant and he was looted while working in the aforesaid shop. Petitioner had himself informed the complainant about the said incident.

3.1. Learned counsel for the petitioner further submits that on account of a serious road accident in the year-2022, petitioner had suffered multiple grievous injuries

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including one head injury and was advised proper surgery for the same, due to which he is suffering from mental health. Petitioner requires urgent medical treatment *qua* the same.

4. On the other hand, learned State counsel, on instructions from HC Manjit Singh opposes the bail petition. She submits that petitioner has committed serious offence.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. In the present case, petitioner is in custody since 20.02.2023. Nothing is stated to be recovered from the petitioner. Co-accused of the petitioner has also been granted concession of default bail by the learned trial Court, on 12.04.2023. As per medical status report dated 01.06.2023 (Annexure R-1), petitioner was advised appropriate blood tests to find out cause of sign and symptoms of alleged complaints of headache and nasal bleeding.

7. In the present case, challan is stated to have been filed, but charges have not been framed. *Per se* admissibility of custodial statement leading to arrest of petitioner is doubtful and in anise is subject matter of trail which is still likely to take long time. Whereas, petitioner has already been languishing in jail for the past more than 4-months in preventive custody.

8. Apart from medical condition of the petitioner, as is borne out from medical report dated 01.06.2023 (Annexure R-1) submitted by the prosecution itself, wherein, further treatment has been prescribed, on the ground of parity alone, petitioner is entitled to be released on bail. The co-accused, namely Balbir @ Balvir Singh has also since been accorded concession of default bail by learned trial Court vide order dated 12.04.2023. Copy of the same has been tendered in course of hearing which is taken on record and marked as Annexure 'A'.

9. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

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10. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.
11. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.
12. It is made clear that any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for limited purpose of bail hearing alone and learned trial Court shall proceed without being influenced with this order.
13. Pending application(s), including CRM-24006-2023 seeking grant of interim bail on medical grounds, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 05, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No