

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 17522 of 2023

Date of Decision: 28.4.2023

Akash

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Dhawaljeet Dutta, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab,
assisted by ASI Balbir Singh

SURESHWAR THAKUR, J. (ORAL)

1. Reply on behalf of the respondent-State has been filed, and, the same is taken on record.
2. The instant petition has been filed under Section 439 of Cr.P.C., wherethrough the present bail petitioner seeks indulgence of regular bail being accorded to him.
3. FIR No.125 of 10.12.2021, constitutes therein an offence under Section 379-B of IPC, and, is lodged at Police Station Taragarh, District Pathankot, thereins the commission of incriminatory offences are attributed to the bail petitioner.
4. The bail petitioner, along with other accused are alleged to, through brandishing a knife, at the complainant hence succeed in taking extortionate possession of the complainant's car.
5. The learned counsel appearing for the petitioner submits that, the present petitioner has been implicated in the instant case on the basis of disclosure statement of the co-accused, and, that the other co-accused have been granted the concession of regular bail by this Court vide order made on

5.7.2022.

6. Though obviously, the recovery of the stolen car cannot be effected, at the instance of the present bail petitioner, to the investigating officer concerned, but yet an offence under Section 201 IPC, can be added qua him either in the report under Section 173 of the Cr.P.C., or in the charge sheet which may become drawn against him, by the learned Magistrate concerned.

7. However, a perusal of the reply, furnished by the learned State counsel today in the Court, shows that the challan against the present petitioner, and, one Jatinder @ Danny was prepared on 19.5.2022, and, thereafter, on 1.6.2022, the same became presented before the learned Magistrate concerned, by the investigating officer concerned, and, charges were framed qua the said accused on 18.10.2022.

8. Since this Court while deciding CRM-M-26270-2022 on 5.7.2022, had made therein the hereinafter extracted directions.

“Be that as it may, since the sale proceeds of the stolen car, which may have been received by the present bail petitioner, from the vendor(s) rather unknown to him, has been submitted by the learned counsel for the petitioner, on instructions given to him, by the bail petitioner, for being amenable for his apposite deposit, in the establishment of the learned Magistrate concerned, and, also with his further submitting that, the disbursements thereof, would become regulated by the outcome of the trial, as may become entered into, by the learned Magistrate concerned. Therefore, after accepting the afore submission, this Court especially, given the prolonged judicial incarceration of the bail petitioner, does not deem it fit, and, appropriate to further prolong it, as thereupon his personal liberty would become unnecessarily fettered, and, curtailed, but subject to the bail petitioner within a week from today, hence conjointly depositing in the establishment of the learned trial Magistrate concerned, a sum of Rs.50,000/-, whose disbursement, shall be regulated by the outcome of the trial, as may become entered into, by the learned trial Magistrate concerned.”

9. Therefore, when today the learned State counsel, does not submit, that the above order has not been complied by the petitioners therein. Therefore, the above extracted therein conditions, are not thus amenable to become imposed upon the petitioner.

10. Resultantly, the instant petition is allowed, and, the bail petitioner is ordered to be released from judicial custody, by the learned Magistrate concerned, through appositely drawn release warrants, but subject to his furnishing personal, and, surety bonds in the sum of Rs. 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, also his not influencing prosecution witnesses, and, besides his appearing before the trial Court concerned, as and when directed to make his personal appearances unless becomes validly exempted.

11. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

April 28, 2023
Gurpreet

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