

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

CRM-M-19123-2023

Date of Decision: 25.04.2023

Roshan Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ranjodh Singh Sidhu, Advocate, for the petitioner.

Mr. Karunesh Kaushal, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.108 dated 28.07.2020, registered under Sections 399, 402, 411 IPC and Section 25 of Arms Act, at Police Station Joga, District Mansa.

As per facts of the case, on 28.07.2020, a secret information was received by the Police party that Manjit Singh @ Mintu @ Baba, Murari Lal @ Billu, Sanju, Dharma, Roshan Singh (petitioner), Sardul Singh @ Sulla, Gurmeet Singh @ Ghogi are involved in committing robbery and fraud and all seven persons were planning for committing a big robbery while sitting at place of Jhiri Baba Jogi Peer at village Ralla. It was informed that they are having weapons, one swift car and two motorcycles and if the raid is conducted, they can be arrested on spot. On finding the secret information reliable, offences under Sections 399, 402 IPC and Sections 25/54/59 of Arms Act were not made out and ruqa was sent and the case was registered against all the accused. The raid was conducted and three accused were arrested. During the investigation, the petitioner was

arrested on the next day i.e. 29.07.2020. The petitioner approached the Court of learned Additional Sessions Judge, Mansa praying for grant of bail and he was granted bail vide order dated 23.12.2020. As the petitioner subsequently jumped the bail and he was declared a proclaimed offender. Thereafter, he was arrested on 18.10.2022. He approached the Court of learned Additional Sessions Judge, Mansa, who after hearing both the sides declined the same vide order dated 19.01.2023. Aggrieved by the same, the petitioner has approached this Court praying for regular bail by filing of the present petition.

It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He has submitted that the story made by the police party is totally hypothetical and the petitioner was not even arrested on the spot at the time of raid, rather he was arrested on the next day. He submits that after having been arrested, the petitioner approached the concerned Court, where, he was granted bail on 23.12.2020, however, he jumped bail on 12.10.2021 hence, he was declared as proclaimed offender on 18.05.2022. He submits that thereafter, the petitioner was again arrested on 18.10.2022. He submits that in all there are seven accused and rest all the six accused have already been granted bail. He further submits that so far the petitioner has completed custody of more than one year and the investigation is also complete and the charges are also framed. He submits that in the facts and circumstances, the petitioner deserves to be granted bail.

On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner is a habitual offender. He submits that though the

petitioner was granted bail in this case, but he jumped the bail and was declared a proclaimed offender. On instructions from ASI Gurcharan Singh, he submits that besides the present case, the petitioner is facing prosecution in three more cases. He submits that the investigation is complete and the charges are also framed.

Heard.

Evidently, the petitioner after his arrest was granted bail. As the petitioner jumped the bail, he was declared as proclaimed offender and subsequently he was arrested on 18.10.2022. His total custody as on date is 01 year 3 months and 13 days. The co-accused are already on bail. As submitted before this Court, the petitioner is involved in other cases as well, however, keeping in view the facts and circumstances of the present case, this Court finds that his involvement in other cases, is not sufficient to ignore his prayer for grant of bail in the present case. The veracity of the allegations would be evaluated by the trial Court only after appreciation of complete evidence to be led by both the parties before it. This Court would refrain itself from commenting anything on the merits of the case, however, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

It is being clarified that if the petitioner does not furnish bail bonds in this case within a week, then his custody period after one week would not be counted in this case.

25.04.2023

sharmila

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No

(RAJESH BHARDWAJ)

JUDGE