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(219)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20594-2023

Date of Decision: 01.05.2023

JAIPAL SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vishal Thakur, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, 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.77 dated 14.07.2022 registered under Sections 436, 427 of IPC, 1860 (offence under Section 5 of the Punjab Prevention of Damage to Public and Private Property Act, 2014 added later on) at Police Station Daba, District Ludhiana.

2. The present FIR came to be registered at the instance of Surjit Singh son of Kulvir Singh who stated that he had purchased a car make Volkswagen Ameo bearing No.PB 11 CK 4059 from Khasalpal Singh Grewal. The ownership of the said vehicle had not been transferred in his (complainant's) name. On 10.07.2022, while he (complainant) had parked his car in a plot adjoining to his house, then at about 2.30 AM they (complainant party) heard the noise of the blast of tyre from outside. When they looked out, they saw that there had been a fire at the plot. In the meantime, Jaspal

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Singh (petitioner) son of Amrik Singh was seen running away from the spot. It was found that the aforementioned car had been burnt. He (complainant) believed that his car had been put on fire by his neighbour. Legal action was sought against Jaspal Singh (petitioner).

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case on suspicion. No offence as alleged is made out. There was an unexplained delay of about 04 days in the registration of the FIR which was fatal to the case of the prosecution. As the petitioner was in custody since 08.09.2022 and none of the 12 prosecution witnesses had been examined so far, he was entitled to the concession of bail, *moreso*, when in the two other cases registered against him, he had been granted the similar concession.

4. On the other hand, the learned State counsel contends that the offence is *prima facie* established. Therefore, the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He, however, does not deny the fact that the petitioner was in custody since 08.09.2022, none of the 12 prosecution witnesses had been examined so far and when in the two other cases registered him, he has already been granted the concession of bail.

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

6. The veracity of the prosecution case against the petitioner shall be established during the course of Trial. Admittedly, the petitioner is in custody since 08.09.2022 and none of the 12 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to

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be concluded anytime soon. As such, the further incarceration of the petitioner is not required, moreso, when in the two other cases registered him, he has already been granted the concession of bail.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Jaspal Singh son of Amrik Singh 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.

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

01.05.2023

JITESH

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