

CRM-M-20957-2023 (O&M) AND
CRM-M-20989-2023 (O&M)

212 (2 cases)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: July 05, 2023

1. CRM-M-20957-2023 (O&M)

Aarju Saini

....Petitioner

versus

State of Punjab

....Respondent

2. CRM-M-20989-2023 (O&M)

Vishal Saini

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. S.K. Choudhary, Advocate for petitioner(s).

Ms. Guramrit Kaur, DAG Punjab.

ARUN MONGA, J. (ORAL)

Vide this common order, above-mentioned two cases are being disposed of since facts are analogues and issues raised therein are common. For brevity, recitals are taken from CRM-M-20957-2023.

2. Petitioners, stated to be 22-year and 19-year old young boys, seek bail in criminal case bearing FIR No.15 dated 05.03.2023, registered under Sections 379B/34 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Taragarh, District Pathankot.

3. Per FIR, on 04.03.2023 at about 2:00 p.m., four persons came in a Car bearing No.PB-35-M-3351. Person, who was sitting behind driver seat, snatched envelope containing money and passbook from complainant-Jyoti Devi widow of Harpreet Singh and decamped towards Sunderchak side. Complainant stated that an amount of Rs.12,400/- along with passbook was snatched from her. An FIR was registered in this regard.

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4. Learned counsel for petitioner(s) contends that petitioner(s) have falsely been implicated in the present case. Their names have been nominated only on the basis of disclosure statement suffered by co-accused, namely, Sant Singh and Jobanpreet Singh. Complainant has made a fabricated and concocted story. Petitioner(s) are in custody since 24.03.2023.

4.1. Learned counsel for petitioner(s) also contends that aforesaid co-accused have already been granted concession of bail by the learned trial Court vide orders dated 26.05.2023 and 13.06.2023.

5. On the other hand, learned State counsel, on instructions from SI Hem Raj opposes the bail petitions. She submits that petitioner(s) have committed serious offence.

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

7. Petitioner(s) are languishing in jail for the past more than 3 months. Trial is still likely to take long time.

8. Petitioner(s) have been nominated merely on the basis of custodial disclosure statement suffered by co-accused, namely Sant Singh and Jovanpreet Singh. *Per se* admissibility of the custodial statement is doubtful and in any case same is matter of trial. Even they have been released on bail vide orders dated 26.05.2023 and 13.06.2023, respectively, passed by learned trial Court. Petitioner(s) are thus entitled to be released on bail on parity also. Alleged car used to commit the offence in question has also been recovered.

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(s) in further preventive custody.

10. Accordingly, petitioner(s) are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where their cases are being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

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11. In case, petitioner(s) are found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of their 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), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 05, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No