

103

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-27431-2023 in/and
CRM-M-23571-2023 (O&M)
Date of Decision: 12.07.2023

RANJIT SINGH @ RANA
Vs.

.. Applicant/Petitioner

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saurabh Kapoor, Advocate
for applicant-petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

...

Manoj Bajaj, J.

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.49 dated 28.02.2023 registered under Sections 457, 380, 411, 413 and 34 IPC, 1860 at Police Station Haibowal, Ludhiana. The petitioner is in custody since his arrest on 23.03.2023.

The FIR was registered on the basis of complaint given by Paramjit Singh and the allegations as noticed by the Addl. Sessions Judge, Ludhiana in the order dated 01.05.2023 are as under:

“Prosecution case is that on the intervening night of 27/ 28.2.2023 accused committed the theft of Rs.22,500 and 18 pairs of shoes worth Rs.18000/- from the shop of complainant Paramjit Singh son of Jagtar Singh. On the statement of complainant Paramjit Singh an FIR under Section 457 & 380 IPC has been registered against unknown person. Complainant came to know that theft has also been committed in the nearby shop namely Supreme Beauty and Life Style of Vikas Aggarwal in the same manner. The complainant was sure that the person who had committed the theft in the shop of Vikas Aggarwal has committed the theft in his shop.”

Learned counsel for the petitioner has submitted that initially

the FIR was registered against unknown person relating to the incident of

theft at complainant shop and subsequently, on the basis of statement of co-accused Sanju Kumar @ Sanju Wadawa, the petitioner was also arrested on the ground that he received the stolen items. He submits that the stolen articles such as garments, perfume, shoes etc. were recovered from him and now the investigation is complete and final report has already been filed. He submits that the petitioner be allowed to withdraw this bail petition in order to file afresh on these changed circumstances before the trial Court.

Learned State counsel assisted by ASI Dilbag Singh has opposed the prayer on the ground that the petitioner is involved in other cases of theft as well and since the stolen articles have been recovered from him, he does not deserve the concession of regular bail. However, it is not disputed that the investigation in the case is complete and final report has been filed.

Heard learned counsel for the parties and considered their submissions.

The petitioner's prayer for withdrawal of the main case made through miscellaneous application bearing No.CRM-27431-2023 is founded on the solitary change of circumstances that after completion of the investigation, the final report has been filed. According to the learned counsel, the petitioner after withdrawal of this case would move fresh application before the Magistrate to seek regular bail, but in the considered opinion of this Court, this exercise is unnecessary and would consume precious time of the Court, therefore, on the oral request of the parties, the date of hearing in the main case i.e. 16.08.2023 is postponed to today.

Now while examining the merits of the case, particularly the nature of offences, which are triable by Magistrate, this Court is of the

opinion that the further detention of the petitioner behind the bars would not serve any useful purpose, as the conclusion of trial would take a long time. The material witnesses are either the complainant or police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, concerned.

The petition is allowed.

12.07.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No