

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRM-M-25028 of 2023 (O&M)
Date of Decision:21.09.2023

Jashandeep Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vinay Kumar, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

CRM-36056 of 2023

The present application has been filed under Section 482 of the Code of Criminal Procedure for addition of Sections 379, 411 and 483 IPC in the heading as well as in the prayer clause of the bail application.

Learned counsel for the applicant/petitioner has submitted that at the time of the filing of the bail petition the applicant/petitioner was not aware of the existence of the aforesaid sections therefore the present application has been filed for addition of the aforesaid sections so that the matter can be adjudicated on the basis of correct facts.

This Court had issued notice in the application on 01.09.2023.

Today, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has stated that the

factual position with regard to the aforesaid sections is correct since they have been incorporated in the FIR and therefore the State does not have any objection in case the aforesaid sections are added in the headnote and the prayer clause of the bail petition.

In view of the aforesaid position, the present application is allowed as prayed for. It is directed that in the headnote as well as in the prayer clause of the bail petition Sections 379-B(2) IPC and Section 25 of the Arms Act shall be deemed to be substituted and read as Sections 379, 379-B(2), 411 and 483 IPC and Section 25 of the Arms Act.

The Registry of this Court is directed to make the necessary corrections in this regard.

Main case

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.45 dated 10.03.2023, under Sections 379, 379-B(2), 411 and 483 IPC and Section 25 of the Arms Act, registered at Police Station Beas, District Amritsar.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 27.03.2023. He further submitted that the petitioner is not involved in any other case and has clean antecedents. He submitted that the allegations in the present FIR that the complainant lodged an FIR by alleging that three persons had come on a motorcycle and they snatched two mobile phones and a silver chain from the son and daughter of the complainant. No name was mentioned in the FIR but thereafter after lapse of about 17 days allegedly the complainant made a supplementary statement

before the police that the offence of snatching by three persons was committed by the present petitioner, co-accused Bunty Singh @ Bunty and co-accused Gurpreet Singh. It was on the basis of the supplementary statement of the complainant that the petitioner and the other two co-accused were nominated and were arrested. He submitted that the aforesaid Bunty Singh @ Bunty was already in custody on the date of the occurrence in some other case and the date of occurrence is 10.03.2023 and he was released on 13.03.2023 from the judicial custody in another case regarding which the released order is attached as Annexure P-2 and even otherwise also this fact has not been denied by the State. He submitted that when the aforesaid co-accused Bunty Singh @ Bunty was already in custody which is not denied by the State that the supplementary statement on the face of it was false qua the aforesaid Bunty Singh @ Bunty and it also raises suspicion qua the petitioner as well. He further submitted that in fact the police has planted the case upon the petitioner in order to justify their working. He further submitted that even otherwise also the investigation of the police has already been completed and the final report under Section 173 of the Code of Criminal Procedure has been presented to the competent Court and the matter is now committed to the Court of Sessions. He submitted that in view of the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has submitted, on instructions, that it is correct that the petitioner is in custody from 27.03.2023 and the investigation of the case has already been completed and *challan* has been presented. He however submitted that although

the name of the petitioner has surfaced on the basis of the supplementary statement of the complainant that there had been a recovery of two mobile phones and a silver chain from the petitioner and a motorcycle as well on which the engine number and chassis number were erased and therefore the petitioner does not deserve the concession of regular bail. So far as the antecedent of the petitioner is concerned, he has also stated that the petitioner is not involved in any other case.

4. I have heard learned counsel for the parties.

5. It is a case where the petitioner is in custody from 27.03.2023 and the investigation has already been completed and the *challan* has been presented to the competent Court. The petitioner is stated to be not involved in any other case and has clean antecedents. The submissions which have been made by learned counsel for the petitioner pertaining to the false implication on the basis of a supplementary statement of the complainant after 17 days in which the name of the co-accused, namely, Bunt Singh @ Bunt has been mentioned who was admittedly in judicial custody in some other case does carry weight for the purpose of considering the present bail petition qua the present petitioner as it raises suspicion. Be that as it may, now no recovery is to be effected from the petitioner and the trial of the case may take long time and therefore, this Court in the peculiar facts and circumstances of the present case deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

6. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 21, 2023
dinesh

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