

CRM-M-26510 of 2022

2023:PHHC:063139

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

CRM-M-26510 of 2022
Date of decision: 03.05.2023

Jaskaran Singh @ Lovely

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. R.V.S. Chugh, Advocate, for the petitioner.
Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.0120 dated 26.08.2021 under Section 379-B IPC, registered at Police Station Boha, District Mansa.

2. Present FIR has been registered on the complaint of complainant Jagtar Singh stating therein that he worked as tractor driver with contractor Bhagat Singh. On the intervening night of 25/26.08.2021 after parking his tractor at the brick kiln, he was returning to his village Malkon on motorcycle No.PB-50A-7428. At around 10.00 p.m. after covering a distance of 3 kms from Boha when he reached near the motor of Virk, three persons with muffled faces riding on a without numbered motorcycle came in front of his motorcycle, as a result of which he fell down along with motorcycle. They snatched his mobile phone make Oppo having currency note worth Rs.100/- in its cover and motorcycle and fled

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from the spot.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He is in custody since 10.09.2021 and co-accused, namely, Harpreet Singh and Gurpreet Singh have been granted regular bail by the Court of learned Sessions Judge, Mansa, vide order dated 22.11.2021 (Annexure P-2) and order dated 03.12.2021 (Annexure P-3), respectively. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total nine prosecution witnesses none has been examined as yet, therefore, trial may take a considerable time to conclude. Thus, no fruitful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned State counsel, while placing on record status report by way of affidavit of Navneet Kaur, Superintendent of Police, Sub-Division Budhlada, District Mansa, on behalf of respondent-State along with custody certificate, has opposed the prayer for grant of regular bail to the petitioner by stating that although other co-accused namely, Harpreet Singh and Gurpreet Singh have been granted regular bail, however, he is involved in five other cases in which he is on bail. However, he could not refute that out of total nine prosecution witnesses none has been examined till date; petitioner is in custody for the last 01 year 07 months and 22 days and the trial may take a considerable time to conclude.

5. To controvert the above contention of learned State counsel, learned counsel has relied upon the judgment of Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2)***

SCC 382 to contend that the facts and circumstances of the present case are

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to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

6. I have heard learned counsel for the parties and perused the record.

7. Keeping in view the custody of the petitioner, which is 01 year 07 months and 22 days; investigation is complete; challan has been presented; charges have been framed and out of nine prosecution witnesses, none has been examined as yet and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court. However, in addition to conditions that may be imposed by the trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions: -

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.

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- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by the trial Court, the prosecution shall be at liberty to move an application for cancellation of bail of the petitioner.

9. The petition stands disposed off accordingly.

03.05.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No