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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31334-2023
Date of decision: 28.08.2023

ARSHDEEP SINGH ALIAS ARSH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

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.43 dated 22.05.2022, under Section 379-B(2) of the IPC (Sections 323, 411 and 34 of the IPC added later on), registered at Police Station Verka, District Amritsar City, Punjab.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 20.06.2022, which is almost 1 year and 2 months and even charges have not been framed till date. He further submitted that it is a case where the allegations were that six persons had come on two motorcycles and they had snatched one mobile phone and Rs.2,000/- from the complainant. He further submitted that nobody was named in the FIR but it was thereafter that

since the petitioner was already in judicial custody in some other case and there was disclosure statement of the petitioner in aforesaid other case pertaining to the present offence and thereafter the police got the supplementary statement recorded from the complainant indicating the name of the petitioner as well. He further submitted that the petitioner has been falsely implicated particularly in the present case in view of the fact that he was earlier involved in three more cases of similar nature. He further submitted that similarly situated co-accused, namely, Arshdeep Singh @ Ashu has already been extended the benefit of regular bail by a Co-ordinate Bench of this Court in CRM-M-22498-2023 on 16.05.2023 vide Annexure P-2 and one more co-accused, namely, Jaspreet Singh @ Jassi has been granted bail by the learned Additional Sessions Judge, Amritsar on 27.03.2023 vide Annexure P-3. He further submitted that the present petitioner is exactly at parity with the aforesaid co-accused and therefore he may also be considered for grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab has submitted that it is correct that the petitioner is in custody from 20.06.2022, which is almost 1 year and 2 months and it is also correct that two other co-accused as aforesaid have already been granted bail are at parity with the present petitioner. He has however opposed the grant of regular bail to the petitioner on the ground that the petitioner is a habitual offender and is involved in three more cases of similar nature.

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

5. The petitioner has already faced incarceration for about 1 year and 2 months. There is no dispute that other two co-accused, who are at parity with

the present petitioner have already been extended the concession of regular bail as aforesaid. The name of the petitioner did not figure in the FIR but it was only thereafter on the basis of disclosure statement made by the petitioner in some other case and also subsequent supplementary statement made by the complainant that his name figured and he was nominated. Even otherwise also the subject matter of theft in the present case was of one mobile phone and Rs.2,000/-.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. 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 bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

28.08.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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