

(236)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32306-2023

Date of Decision: 27.07.2023

SANDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Malkiat S. Hundal, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.65 dated 03.05.2019 registered under Sections 379-B, 34 of IPC at Police Station Chheharta, Amritsar.

2. The present FIR came to be registered at the instance of Rashim Arora wife of Shri Harjit Singh who stated that while she was going towards Jandpir Colony Sugar Mill. Two persons on a motorcycle came from behind and the person sitting behind snatched her purse and fled away. The motorcycle was of red colour. The purse that had been snatched contained Rs.20,000/- in cash, one mobile phone along with two SIMs and one pair of gold Topas. Legal action was sought.

3. The learned counsel for the petitioner contends that the petitioner had been granted bail vide order dated 08.07.2019 by the Additional Sessions Judge, Amritsar. However, on account of noting down of

a wrong date, he was unable to appear on 16.07.2021 and even thereafter leading to the cancellation of his bail vide order dated 08.11.2021 (Annexure P-3). The petitioner had been re-arrested on 17.06.2022 and continues in custody. As the petitioner was now in custody since 17.06.2022, only 06 of the 24 prosecution witnesses had been examined so far and he was a first-time offender, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that serious allegations have been levelled against the petitioner and his co-accused. Pursuant to the grant of bail, the petitioner had absconded and was arrested only in June, 2022. Therefore, the nature of the allegations along with the conduct of the petitioner did not entitle him to the grant of bail. He, however, concedes that the petitioner is a first-time offender, in custody now since 17.06.2022 and only 06 of the 24 prosecution witnesses had been examined so far.

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

6. Admittedly, the petitioner had been granted the concession of bail at an earlier stage. However, he had jumped bail and came to be re-arrested only on 17.06.2022. He continues to be in custody ever since then. Only 06 of the 24 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sandeep Singh son of Satnam Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.
9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

27.07.2023

JITESH

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