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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 19.09.2023

Tarakjyot Singh @ Jyoti

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. AnkitRana, Advocate for the petitioner.

Mr. Mohit Thakur, AAG Punjab.

ARUN MONGA, J. (Oral)

After being declined bail by the trial Court, petitioner before this Court seeks his release as undertrial in a case bearing FIR No.260 dated 29.12.2022, registered under Sections 379-B, 323 read with Section 34 of the Indian Penal Code at Police Station SadarKharar, District SAS Nagar.

2. Per prosecution version, FIR was registered on the statement of complainant Jashanpreet Singh that two unknown persons had snatched his Hyundai Accent car bearing registration number PB-11-W-0550, and an iPhone-11 and Rs.700/- cash at knife point on 28.12.2022. In course of investigation, petitioner was nominated as an accused on the basis of disclosure statement of co-accused Khushal Singh who had allegedly committed the aforesaid alleged snatching. On 02.04.2023, petitioner was brought on production warrant and was arrested in this case.

3. At the outset, learned counsel for the petitioner submits role attributed to the co-accused Khushal Singh, is similar to that of petitioner and he has been granted the concession of bail by this Court, vide order dated 17.07.2023

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passed in CRM-M-21942-2023. He also argues that on the ground of parity alone, petitioner is entitled to be released on bail during pendency of trial.

3.1. Learned counsel for petitioner further submits that petitioner was arrayed on the basis of disclosure statement of co-accused Khushal Singh, who has already been accorded the concession of bail by this Court. Petitioner is neither named in the FIR nor connected with the alleged offence. Recovery alleged to be made from the petitioner is planted one and petitioner has been falsely implicated in the present case.

3.2 He further submits that petitioner is in custody since 02.04.2023 and challan has already been presented. Conclusion of trial will take long time. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

3.3 Petitioner is a young boy of 20 years, a student and his entire career has been put to jeopardy because of his illegal continued incarceration, contends the learned counsel for the petitioner.

4. Per contra, learned State counsel strenuously opposes the petition. He submits that petitioner is involved in a serious offence. He further states that prosecution has gathered sufficient evidence against petitioner and challan has also been filed. On a Court query, he does not dispute that co-accused, who is similarly placed as the petitioner, has been granted bail. He further submits that petitioner is a habitual offender and is involved in one more case

4.1 In rebuttal, learned counsel for the petitioner submits that petitioner is on bail in the said case.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. On a Court query, learned State counsel, on instructions from ASI, Balraj Singh, submits that that challan was filed on 13.05.2023 and charges are yet

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to be framed. Investigation *qua* petitioner is complete, he is thus not required for custodial interrogation. Allegations against petitioner are a matter of trial at this stage. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Out of total 12 witnesses, none has been examined till date. Trial is proceeding only at a snail's pace. Whereas, petitioner has already been languishing in jail for the past more than 05 months in preventive custody, being behind bars since 02.04.2023.

7. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses.

8. Petitioner is stated to be a young undergraduate student aged 20 years and is on the cross-roads of his career, which would forever jeopardize his future. Having fixed abode, it is unlikely that he poses any flight risk and/or will flee from trial proceedings.

9. Co-accused of the petitioner, attributed with similar role, has been granted concession of bail by this Court and learned Court below.

10. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

11. Accordingly, petitioner is ordered to be released on bail, in case not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

12. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for limited purpose of

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bail hearing alone and learned trial Court shall proceed without being influenced with this order.

13. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 19, 2023
Ajay

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