

CRM-M-35845-2023 (O & M)

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(233) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35845-2023 (O & M)
Date of Decision: 31.07.2023

Gurjinder Singh

... Petitioner

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Lovish Rattan, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail to the petitioner in case bearing FIR No.209 dated 09.08.2022 under Section 379-B(2) IPC registered at Police Station Jandiala, Amritsar.

2. The brief facts of the case are that the statement of one Kalu was recorded to the effect that on 13.07.2022 at about 11 O' Clock in the morning two young youth came riding on a motorcycle make Platina bearing registration No.PB09 H 0709. One person pointed his pistol at Satpal Singh, his (complainant's) colleague and the other person hit him (complainant) with a *datar* on his right leg and snatched his REDMI 9 phone. On his enquiry, he came to know that the names of the persons who had stolen his mobile phone were Sunny Singh and Gurjinder Singh (petitioner).

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3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The instant FIR came to be registered after an unexplained delay of more than 26 days. The role ascribed to the petitioner even if believable was that he was carrying a toy pistol only. No injury had been caused to the complainant. As the petitioner was a young boy of the age of 18 years, in custody since 30.08.2022 and none of the 11 prosecution witnesses had been examined so far, he was entitled to the concession of bail, moreso, when in the three other cases registered against him vide FIR No. 264 dated 11.08.2022 under Sections 379(B), 411 and 34 IPC at Police Station Maqboolpura, Amritsar, FIR No.57 dated 27.03.2021 under Sections 379, 411, 379-B, 201 and 34 IPC at Police Station Chattiwind, Amritsar and FIR No.184 dated 29.07.2021 under Sections 379-B, 411 IPC at Police Station Chattiwind, Amritsar (Rural), he had been granted the similar concession of bail either by this Court or the Sessions Court.

4. The learned counsel for the State, on the other hand, contends that the petitioner is a habitual offender. Three other cases stood registered against him of a similar nature. Therefore, he was not entitled to the grant of bail. She however, concedes that the petitioner was in custody since 30.08.2022 and none of the 11 prosecution witnesses had been examined so far.

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

6. The veracity of the prosecution case shall be adjudicated upon during the course of the trial. Admittedly, the petitioner is in custody since 30.08.2022 and none of the 11 prosecution witnesses have been examined so

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far. Therefore, the trial in the present case is not likely to be concluded in the near future. In the other three cases registered against the petitioner, he has been granted the concession of bail either by this Court or the Sessions Court. Therefore, at this stage, his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Gurjinder Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the Trial Court/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/cases(s) other than those referred to in this order.

9. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- 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.

(JASJIT SINGH BEDI)
JUDGE

July 31, 2023
sukhpreet

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