

226

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 38003 of 2023

Date of Decision:- 29.11.2023

DAVINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. J.S.Thakur, Advocate,
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
153	11.11.2022	379-B IPC (411 IPC added lateron)	Chattiwind District Amritsar Rural

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner was not named in the FIR and even as per the allegations in the FIR there was only one person who had taken the car for test drive and alleged to have taken away the car on gun point and as per the

case of the prosecution, co accused Ramandeep Singh @ Raman had made a disclosure statement regarding snatching of the car. He submits that the petitioner has been nominated in the case on the basis of disclosure statement of the co-accused Ramandeep Singh and is in custody since 02.02.2023 and as such he prays for grant of concession of bail to the petitioner.

3. Per contra, learned State counsel opposed the bail application by arguing that the petitioner is involved in heinous crime and does not deserve concession of bail. He referred to the custody certificate dated 26.11.2023 to say that there are three other cases registered against the petitioner, and hence prayed for dismissal of the bail application.

4. Considering the rival contentions and perusing the record it transpires that the instant FIR was registered at the instance of the Sales Manager of M/s Novelty Tata Showroom, Near Arjan Marble, G.T. Road, Amritsar to the effect that on 11.11.2022 one person wearing face mask had inquired about Safari Car disclosing his name as Rajvir and supplied the mobile number. He asked the salesman for test drive and for that purpose sales man Jagjit Singh accompanied him for test drive and after some time Jagjit Singh informed that said person had snatched the vehicle on gun point by deleting the photo of his driving license taken on his mobile phone of the sales man. Thereafter, the petitioner was taken on production warrant in the case and formally arrested. During the course of investigation the said car was found abandoned.

5. It transpires that the petitioner has been nominated on the basis

of disclosure statement given by co-accused Ramandeep Singh that he had handed over the car, after snatching, to the present petitioner. The said car as per the prosecution has been got recovered from abandoned place. The petitioner is in custody since 02.02.2023, conclusion of trial will take sufficient long time and criminal liability if any, on the petitioner could be determined after conclusion of trial and no useful purpose would be served by keeping the petitioner behind bars any longer.

6. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

29.11.2023

Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No