

CRM-M-40766-2023

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(225)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40766-2023

Date of Decision: 24.08.2023

JASANDEEP SINGH @ BHINDA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. S.K. Bokolia, Advocate
for the petitioner.

Ms. Ramta K Choudhary, 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 in case bearing FIR No.22 dated 17.02.2023 registered under Sections 379-B IPC and 25 of Arms Act, 1959 (Section 411 IPC added later on) at Police Station City Sadar Kotkapura, District Faridkot.

2. The brief facts of the case are that while the police party was on patrolling duty, secret information was received that Jasvir Singh @ Bhichu @ Lakhwinder Singh son of Roop Singh, Jashandeep Singh @ Bhinda (petitioner) son of Jagdish and Gurdit Singh @ Jassi son of Gurpreet Singh were in the possession of snatched weapons and were present at Jalaliana Road to commit an offence. If they were arrested, the snatched weapons could be recovered and commission of crimes could be stopped.

Based on the aforementioned information, the instant FIR came to be registered. Subsequently, the petitioner and his co-accused came to be arrested in the present case.

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3. The learned counsel for the petitioner contends that he is a young boy of the age of 24 years and has been falsely implicated on suspicion. No offence under Sections 379-B, 411 IPC and 25 of the Arms Act is made out as nothing has been recovered from the petitioner. The alleged recovery has been planted upon him. In the one other case registered against the petitioner bearing FIR No.28 dated 28.01.2023 under Sections 380 and 411 IPC at Police Station Baghapurana, the petitioner has been granted the bail vide order dated 31.05.2023 passed by the Sub Divisional Judicial Magistrate, Baghapurana. As the petitioner was in custody since 20.02.2023, he was entitled to the concession of bail as only 02 out of the 13 prosecution witnesses had been examined so far which would delay the conclusion of the trial.

4. On the other hand, the learned State counsel contends that serious allegations have been levelled against the petitioner and his co-accused. The nature of the allegations did not entitle him to the grant of bail. He, however, concedes that the petitioner is in custody since 20.02.2023, only 02 of the 13 prosecution witnesses have been examined so far and in the other case registered against him, he has been granted the concession of bail.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be a matter of adjudication during the course of trial. Admittedly, the petitioner is in custody since 20.02.2023 and only 02 of the 13 prosecution witnesses have been so far. In the one other case registered against him, he has been granted the concession of bail. In this situation, his further incarceration in the present case is also not warranted.

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7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Jashandeep Singh @ Bhinda son of Jagjit 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 cases mentioned in 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

24.08.2023

JITESH

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