

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-44502-2022 (O & M)****Date of decision: 23.01.2023**

Jaswinder Verma @ Gogi

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Nitin, Advocate,
for Mr. J.S. Dadwal, Advocate, for the petitioner.

Mr. Maninder Singh Bajwa, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.0013 dated 25.01.2022 under Sections 379 IPC and Sections 411 and 379-B IPC (Added later on) registered at Police Station Division No.2, District Ludhiana.

2. The brief facts of the case are that the statement of Rajiv Yadav was recorded to the effect that he was a tailor. His father had purchased one motor cycle Make Hero Splendor Plus bearing No.PB-91C-7003 Model 2018 colour Silver. His parents had gone to their village in Bihar and he (complainant) was using the said motor cycle. On 25.01.2022 at about 4.00 p.m. in the evening, he had parked his motor cycle in the street outside his house after locking the same. At about 4.30 p.m., in the evening he saw that his motor cycle was missing from the parking place. On searching for the same, he could not find it. Some unknown persons had committed the theft of the motor cycle.

Based on the aforementioned statement, the present FIR came

3. The learned counsel for the petitioner contends that the petitioner is not named in the FIR. He has been nominated as an accused on the basis of a secret information on which he was arrested and the recovery of the motor cycle was shown from him. In fact, the petitioner has been falsely implicated in the present petitioner because he is an accused in four other cases of similar nature. Since he was in custody since 26.01.2022 and none of the 10 prosecution witnesses had been examined so, the further incarceration of the petitioner was not required and he ought to be granted the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the petitioner is an accused in 04 other cases. His criminal antecedents do not entitle him to the grant of concession of bail. Moreso, when the stolen motor cycle was recovered from his possession. He, however, does not dispute the fact that the petitioner has been granted the concession of bail in all the said cases.

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

6. Admittedly, the petitioner is in custody since 26.01.2022. None of the 10 prosecution witnesses had been examined so far and in the 04 other cases registered against him, he has been granted the concession of bail as is borne out from the custody certificate dated 20.01.2023. As such, the further incarceration of the petitioner is not required. Even otherwise, the veracity of the prosecution case shall be established during the court of Trial.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Jaswinder Verma @ Gogi is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any case other than the cases mentioned 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

January 23, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No