

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43179-2023

Date of Decision:05.09.2023

Jasmail Singh @ Sajan

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Kunwar Rajan, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.119 dated 06.12.2022 registered under Sections 379-B(2), 411, 201, 148, 149 of IPC and Section 25 of Arms Act, at Police Station Daba, Ludhiana.

2. As per the case of the prosecution, the FIR was registered on the basis of statement made by Sandeep son of Rajesh Kumar. As per the allegations, the complainant owns a vehicle bearing registration No.HR-38-Y-5596, make swift car, which was used by him as a tourist cab in Uber company at Chandigarh. On 05.12.2022, at about 9:30 PM, he took a passenger namely Preeti aged about 19-20 years from Dakoli and started for Ludhiana. At about 12.30 AM on 06.12.2022, he reached Ludhiana by taking a passenger and near village Lohara, the passenger Preeti got the car stopped by telling him that she had called her brother to bring the payment of the driver and her brother would

come in few minutes. After some time, two motorcycles came near his car and stopped there and the above-said persons were duly armed with weapons such as *kripan*, *gandasi* and pistols. On reaching there, they snatched the keys of his car and also snatched his car and wallet containing 8500 rupees cash, Aadhar card, Pan card, ATM and other documents as well as his mobile phone, make VIVO Y-75. After snatching the above, the said persons along with their respective weapons and the girl Preeti went towards village Lahora on their vehicles. With these broad allegations, the FIR in the present case was registered.

3. Learned counsel for the petitioner submits that the petitioner was not named in the present FIR and no physical description was mentioned by the complainant in the FIR. Even no injury has been attributed to the petitioner. Learned counsel for the petitioner further relies upon the order passed by this Court vide order dated 28.08.2023 in CRM-M-17748-2023 and CRM-M-20045-2023, whereby, the bail has been granted to similarly placed Sonu @ Sonu Gupta and Lovepreet Kaur @ Preeti. Learned counsel further submits that the petitioner is also in custody since 04.03.2023 and the challan has already been presented against him. He further contends that charges are yet to be framed and further custody of the petitioner will serve no meaningful purpose.

4. On the other hand, learned State counsel has opposed the prayer made by learned counsel for the petitioner on the ground that serious and specific allegations have been levelled against the present petitioner and he does not deserve the concession of bail. However, he admits that the petitioner is the first offender and is not involved in any other criminal activity in the past.

5. I have heard the learned counsel for the parties and perused the record.
6. It is apparent from the submissions that the petitioner is in custody since 04.03.2023 and the case is listed before the trial Court for framing of charges and the trial Court may take quite a long time in concluding the trial.
7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

05.09.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No