

CRM-M-43534-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-43534-2023

Date of decision: 06.09.2023

Jobanjit Singh @ Chand @ Dang

....Petitioner

V/s

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Shubham Kaushik, AAG Punjab.

ARUN MONGA, J. (Oral)

After being declined bail by learned trial Court, petitioner before this Court seeks his release as an undertrial in case bearing FIR No.66 dated 21.07.2022 registered under Sections 379-B, 411 of the Indian Penal Code, 1860 (for short 'IPC') at Police Station, City Amritsar, Amritsar.

2. Per prosecution version, on 20.07.2022 at about 04:30 pm, complainant-Roop Singh stated that while he was coming from his village Rumana Chak, on his bicycle and reached near water tank of village Banian, two youngsters came on a motorcycle and stopped him. They snatched his mobile, purse containing cash of Rs.400/- and also his Aadhaar card and decamped. Complainant stated that he can identify the accused persons who forcibly snatched his articles. According to him, petitioner-Joban @ Chand, was driving the motorcycle whereas co-accused Harwinder Singh was a pillion. FIR was registered. Petitioner was arrested on 21.07.2022 and is in custody since then.

3. Learned counsel for the petitioner contends that petitioner is innocent and has not committed any offence. He further submits that version of the FIR is concocted and petitioner has no concern with the alleged offence.

3.1 He further argues that petitioner is in custody since 21.07.2022 and challan has already been presented. Conclusion of trial will take long time. Thus, no useful purpose would be served by keeping the petitioner behind the bars. No other case is pending against him.

3.2. Learned counsel further points out that similarly situated co-accused-Harwinder Singh has been accorded the concession of regular bail by coordinate Bench of this Court vide order dated 27.04.2023 passed in CRM-M-47090-2022, as per order contained at Annexure P-2, while petitioner is languishing in jail.

4. Per contra, learned State counsel, opposes the bail petition and contends that petitioner has committed serious offence. He further submits that petitioner is the main culprit and does not deserve the concession of bail.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. On a Court query, learned State counsel, on instructions from ASI Rajwant Singh, submits that challan was presented on 15.09.2022. Investigation is complete, he is thus not required for custodial interrogation. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Allegations against petitioner are a matter of trial at this stage. Trial has commenced and out of total 09 witnesses, only 01 has been examined so far. Conclusion of trial is still likely to take long time as it is proceeding at a snail pace. Whereas, petitioner has already been languishing in jail for the last more than one year and one month, he being in custody since 21.07.2022.

7. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses. There is no probability of tampering with evidence as the same has already been seized by the investigating agency.

8. It is stated that petitioner is a 19-year old unmarried person and is driver by profession having added responsibilities of his old parents and unmarried sister. His continued incarceration may render him jobless forever. Being a family person and having fixed abode and clean antecedents, it is unlikely that petitioner poses a flight risk and/or will flee from trial proceedings.

8.1. Co-accused Harwinder Singh has already been granted the concession of bail by a co-ordinate Bench of this Court.

9. Considering the overall scenario and without commenting on merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep petitioner in further preventive custody in instant case.

10. Accordingly, petitioner is ordered to be released on bail, in case not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

11. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

12. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

13. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 06, 2023
Ajay

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