

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-47101-2022 (O & M)****Date of decision:11.01.2023**

Bhupinder Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Varun Sharma, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in a case FIR No.0157 dated 25.11.2021 under Sections 379-B IPC at Police Station Navi Baradari, Police Commissionerate, Jalandhar.

2. The brief facts of the case are that while police party was on patrolling duty, they received information that one Bhupinder Singh @ Bablu (petitioner) and Rohit Rai (since granted bail vide order dated 13.09.2022 passed in CRM-M-7397-2022) were involved in snatching offences using their motorcycle bearing No.PB08-DZ-8150 Hero Splendor colour Silver and commit snatching in the K-Area and they were going to sell the snatched mobile phones in heavy quantity. In case, a *nakabandi* was conducted, then the snatched mobile phones could be recovered.

3. The learned counsel for the petitioner contends that pursuant to the registration of the FIR, the petitioner and his co-accused were said to have been intercepted and three mobile phones were recovered from the petitioner and his co-accused. He contends that the recovery has been

foisted upon the petitioner and his co-accused and, in fact, they have been falsely implicated as the police had failed to collect any evidence of snatching attributed to the petitioner. In fact, there was no complaint of any person that the petitioner or his co-accused had snatched the mobile phones purportedly recovered from them. He contends that the petitioner is in custody since 25.11.2021. Challan stands submitted and since none of the 11 prosecution witnesses have been examined till date, the trial in the case is not likely to be concluded in the near future. Therefore, the further incarceration of the petitioner is not required, moreso when a co-accused, namely, Rohit Rai has been granted bail vide order dated 13.09.2022.

The learned counsel for the State, on the other hand, contends that the petitioner alongwith his co-accused were arrested and mobile phones were recovered from their possession. The petitioner is involved in three other cases i.e. FIR No.138 dated 18.10.2021 under Section 379-B IPC registered at Police Station Navi Baradari, Jalandhar, FIR No.142 dated 31.10.2021 under Section 379-B IPC registered at Police Station Navi Baradari, Jalandhar and FIR No.146 dated 07.11.2021 under Section 379-B IPC registered at Police Station Navi Baradari, Jalandhar. Therefore, in view of the criminal antecedents of the petitioner, he does not deserve the concession of bail. He, however, admits that in the aforementioned FIRs, the petitioner has been granted the concession of bail. He also admits that the co-accused of the petitioner, namely, Rohit Rai has been granted the concession of bail by this Court vide order dated 13.09.2022. The period of custody undergone by the petitioner is also not denied by him.

I have heard the learned counsel for the parties.

Admittedly, the petitioner is in custody since 25.11.2021. None

trial is not likely to be concluded in the near future. In three other cases registered against the petitioner, he has been granted the concession of bail vide orders, Annexures P-3 to P-5 whereas in one case, he has been acquitted. The co-accused of the petitioner, namely, Rohit Rai has been granted the concession of bail vide order dated 13.09.2022. In such a situation, the further incarceration of the petitioner is not required.

In view of the aforementioned facts without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Bhupinder Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

The petitioner shall appear on the first Monday of every month before the local police station till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime other than the cases referred to hereinabove.

If any attempt whatsoever is made by the petitioner and/or his family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

In addition, the petitioner (or someone 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.

(JASJIT SINGH BEDI)
JUDGE

January 11, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No