

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-47418-2023

Date of Decision:-09.11.2023

Baltej Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Saurav Bhatia, Advocate,
Mr. Nitin Gujjar, Advocate &
Manjot Khokhar, Advocate for the Petitioners.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.29 dated 15.06.2023 under Sections 379-B IPC and Section 411, 201, 120-B IPC added later on registered at Police Station City Balachaur, District Shaheed Bhagat Singh Nagar.

2. The present FIR came to be registered at the instance of Vijay Kumar who stated that on 09.06.2023 he was running a taxi service. On that day he had picked up Jeet Singh Dagar along with his wife Kusum Dagar and two children and had taken them to Srinagar. On 14.06.2023 while he was returning Jeet Singh Dagar decided to travel to Chandigarh. When they reached near Balachaur, Jeet Singh Dagar expressed willingness to eat dinner at a Dhaba. They stopped at Shivalik Vaishno Dhaba and Jeet Singh Dagar along with his family went inside. While he (complainant) was

sitting in the car, two young persons came there. One of them caught hold of him from his collar and dragged him out of the car whereas the other young person started his car and drove it away. In the car the articles purchased by the wife of Jeet Singh Dagar along with his (complainant's) purse containing documents were lying.

During investigation the Maruti Swift Dzire of complainant Vijay Kumar was detained by the police party of CIA Staff. There were 05 occupants of the car namely, Gurjinder Singh @ Ginda who was at the steering wheel, Gurjeet Singh @ Goldy sitting besides the driver and in the rear seat, the petitioner Baljtej Singh Johal @ Teja, Gurdeep Singh @ Deepa and Pardeep Kumar @ Abhi @ Paro were found sitting.

During the course of investigation Gurjeet Singh @ Goldy got recovered utensils and the offence under Section 411 IPC was added. A test identification parade of the accused including the petitioner was got conducted and the complainant identified the petitioner as the person who had caught hold of his collar and had taken him out from his car. He also identified Gurjinder Singh @ Ginda who had driven away the car along with the petitioner.

During further investigation, Gurjinder Singh @ Ginda was arrested and the report under Section 173(2) Cr.PC was presented against the petitioner and his co-accused.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He had not been named in the FIR but came to be allegedly apprehended later while allegedly travelling in the vehicle in question. The test identification parade which had been conducted had no significance as the petitioner had already been shown to the complainant. As the petitioner was in custody since 15.06.2023 and

none of the 20 prosecution witnesses had been examined so far, he was entitled to the concession of bail, moreso when his co-accused, namely, Gurinder Singh and Gurwinder Singh @ Ganja had been granted the concession of bail by the court of Sessions Judge, Shaheed Bhagat Soingh Nagar, vide order dated 03.08.2023 each (Annexure P-3 & P-4), whereas accused Gurjeet Singh and Gurdeep Singh had been granted bail vide orders dated 10.08.2023 and 17.80.2023 respectively (Annexure P-5 & P-6) .

4. The Counsel for the State, on the other hand, contends that the the petitioner is one of the main accused. He had been duly identified in the test identification parade by the complainant. The nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He however, concedes that the petitioner was a first-time offender, in custody since 15.06.2023, none of the 20 prosecution witnesses have been examined so far and that the co-accused have been granted the concession of bail.

5. I have heard Counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is stated to be a first time offender, in custody since 15.06.2023 and none of the 24 prosecution witnesses had been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Baltej Singh** son of Sh. Chanchal Singh is ordered to be released on bail subject to her 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 present case.
9. In addition, the petitioner (or anyone 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.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 09, 2023

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>