

(216) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50498-2022
Date of Decision: 10.01.2023

RAJBIR SINGH @ RAJA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Atinderpal Singh, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.133 dated 01.06.2021 (Annexure P-1) registered under Sections 379-B/34 IPC, 1860 at Police Station Cantonment, District Amritsar.

2. The present FIR came to be registered at the instance of Ashok son of Shinda who stated that he did labour work. He had purchased an Oppo phone for an amount of Rs.15,000/- on instalments. On 28.05.2021, while he was going from Amritsar to Nangli Bhatha on his bicycle, some miscreants stopped him and while showing a sickle to him snatched the above-mentioned phone. On his raising an alarm, the said miscreants fled away.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated consecutively in three FIRs; i) FIR No.166 dated 09.06.2021; ii) FIR No.133 dated 01.06.2021 and iii) FIR No.173 registered on different dates. In FIR No.166 dated 09.06.2021 registered at Police

Station Ranjit Avenue, District Amritsar City, the petitioner has been granted the concession of regular bail vide order dated 01.08.2022 passed in CRM-M-24979-2022 (Annexure P-3). No test identification parade had been conducted and the recovery from the petitioner is a planted one. Since the petitioner was in custody since 06.09.2021 and none of the 10 prosecution witnesses had been examined, the Trial of the present case was not likely to be concluded anytime soon and as such, the further incarceration of the petitioner was not required and he ought to be granted the concession of bail.

4. On the other hand, the learned State counsel contends that the petitioner is a habitual offender. The serious nature of the allegations against him did not entitle him to the grant of bail. He however, admits the fact that in FIR No.166 dated 09.06.2021, this Court has granted the concession of regular bail to the petitioner vide order dated 01.08.2022 passed in CRM-M-24979-2022 (Annexure P-3). He also admits the fact that none of the 10 prosecution witnesses had been examined so far.

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

6. Admittedly, the petitioner has been in custody since 06.09.2021 and none of the 10 prosecution witnesses had been examined so far. The name of the petitioner has come up in the supplementary statement of the complainant. The evidentiary value of the said statement would be a matter of adjudication during trial. In FIR No.166 dated 09.06.2021, the petitioner has been granted the concession of regular bail by this Court vide order dated 01.08.2022 (Annexure P-3). Looking at the attending facts and circumstances of the case, the further incarceration of the petitioner is not warranted.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Rajbir Singh @ Raja son of Avtar Singh is ordered to be released on bail subject to his 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 cases mentioned in the present order.

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

10.01.2023

JITESH

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