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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47765-2023 (O&M)
Date of decision: 14.11.2023

GURPREET SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Yajur Sharma, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

CRM-43360-2023

Prayer in this application is for addition of offences under Sections 379, 411 and 483 of the IPC in the head note as well as in the prayer clause of the main petition.

Notice of the application to counsel for the non-applicant/respondent.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab, who is present in the Court accepts notice on behalf of the non-applicant/respondent and has raised no objection to the same.

Accordingly, the application is allowed and Sections 379, 411 and 483 of the IPC are ordered to be added in the head note as well as in the prayer

clause of the main petition in addition to Sections 379-B (2) of the IPC and Section 25 of the Arms Act.

The Registry is directed to make the necessary addition in the head note as well as in the prayer clause of the main petition.

CRM-M-47765-2023

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.45 dated 10.03.2023, under Sections 379, 379-B (2), 411 and 483 of the IPC and Section 25 of the Arms Act, registered at Police Station Beas, District Amritsar Rural, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 27.03.2023 and the allegations in the present case are that the complainant lodged an FIR by alleging that three persons had come on a motorcycle and snatched two mobile phones and a silver chain from the son and daughter of the complainant. He further submitted that no name of any of the accused was mentioned in the FIR but thereafter, after a lapse of about 17 days, the complainant made a supplementary statement before the police in which he had named the present petitioner and other co-accused. He also submitted that the petitioner has clean antecedents and he is not involved in any other case and the other similarly situated co-accused, namely, Jashandeep Singh has already been extended the benefit of regular bail by this Court in CRM-M-25028-2023 on 21.09.2023 and the petitioner is exactly at parity with the aforesaid co-accused. He further submitted that the investigation of the case has been completed and the final report under Section 173 Cr.P.C. has been presented

before the competent Court and the matter is now committed to the Court of Sessions. He further submitted that considering the aforesaid facts and circumstances of the present case and also the parity of the petitioner with the aforesaid co-accused, namely, Jashandeep Singh, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Gurdarshan Singh Sidhu, AAG, Punjab submitted that it is correct that the petitioner is in custody from 27.03.2023 and it is also correct that the present petitioner is exactly at parity with the aforesaid co-accused, namely, Jashandeep Singh, who has already been extended the benefit of regular bail by this Court. He further submitted that as per his instructions, the petitioner has clean antecedents and he is not involved in any other case.

4. I have heard the learned counsel for the parties.

5. The petitioner is in custody from 27.03.2023, which is more than 7 months and he is stated to be exactly at parity with the aforesaid co-accused, namely, Jashandeep Singh, who has already been extended the benefit of regular bail by this Court as aforesaid. The petitioner has clean antecedents and the investigation of the case has already been completed by the police. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

14.11.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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