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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**  
**CRM-M-49968-2022 (O&M)**  
**Date of decision: 25.08.2023**

Rashpal Singh @ Bhalla

...Petitioner

VS

State of Punjab and another

...Respondent

**CORAM: HON'BLE MR.JUSTICE ARUN MONGA**

Present: Mr. Ruhani Chadha, Advocate,  
For the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

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**ARUN MONGA, J. (ORAL)**

Aggrieved on being declined bail by learned trial Court, petitioner seeks his release as an undertrial in case bearing FIR No.71 dated 18.04.2022, registered under Sections 379-B read with Section 34 of the Indian Penal Code and Section 411 of IPC, 1860 (Section 27 of Arms Act, 1959 added later on) at Police Station, Division No.6, Jalandhar, District Jalandhar.

2. FIR was registered on the statement of one Amit Bedi. He stated that he and his wife were on way to market in a Creta car when they stopped en-route at a juice shop and he left the ignition on to go to an adjacent stationery shop. His wife Anjali Bedi was sitting inside the car. When he returned, his car was missing and some people were helping his wife to sit on the roadside. When he enquired from his wife about the car, she disclosed that a unknown man aged 25/26 suddenly came and took driver seat while his accomplice sat on rear seat of the car and as they started driving away, she jumped out of the car. They thus fled away with the car. Some boys tried to chase the car on their motorcycle but in futility. In course of investigation, petitioner was identified on the basis of CCTV footage and he was arrested on 01.05.2022 and is in custody since then.

3. Learned counsel for petitioner submits that it is a case of mistaken identity based on hazy CCTV footage. Petitioner was no where near the scene of incident in question. No recovery has been effected from the petitioner. Alleged

recovery of car, one pistol along with five live cartridges have been planted upon the petitioner. Petitioner has thus been falsely implicated.

4. On the other hand, learned State counsel opposes the bail petition. She submits that apart from car, one country made pistol along with live cartridges was also recovered on the basis of disclosure statement of petitioner, who also admitted his complicity in other cases also. He was identified by the wife of the complainant. In case, petitioner is granted concession of bail, there are chances of his fleeing from justice. He is a habitual offender. She submits that two other cases are pending against the petitioner, out of which in one case under NDPS Act, he has been convicted and has already undergone and in one case, he is on bail.

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

6. On a Court query, learned State counsel on instructions from ASI Swaraj Thapar, submits that challan was filed on 27.06.2022 and charges were framed on 30.09.2022. Investigation *qua* petitioner is complete, therefore, custodial interrogation of the petitioner is not required. Allegations against the petitioner are matter of trial at this stage. Out of 13 prosecution witnesses, four have been examined. Conclusion of trial is still likely to take long time as it is proceeding at a snail pace. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Whereas, petitioner has already been languishing in jail for the past about 01 year and 03 months, being behind bars since 01.05.2022.

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.

8. Petitioner is stated to be a young man, aged 21 years, who had got married just before his arrest. He has added responsibility of his ailing mother to look after. He is the sole breadwinner of his family. Having a family to look after

and fixed abode, it is unlikely that he poses any flight risk and/or will flee from trial proceedings.

9. Considering the overall scenario, 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.

10. Accordingly, petitioner is ordered to be released on bail 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 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 the case as the same are for the limited purpose of bail hearing 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

25.08.2023  
Vandana

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