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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48438-2023 (O & M)
Date of decision: 29.09.2023

Jasbir Singh @ Jasbeer Singh @ Heera

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Malkiat S. Hundal, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.80 dated 07.04.2022 under Sections 379-B, 427, 148, 149 IPC at Police Station Jandiala, District Amritsar Rural.

2. The brief facts of the case are that the statement of Shivjit Singh son of Phulwinder Singh was recorded to the effect that he was an agriculturist and a worker of a political party. On 18.02.2022, he received a telephone call from a lady from phone No. 97815-20185 that they are having 200/250 votes of their area of Gehri Mandi which they would cast in his favour. She asked to meet with him (complainant). On 19.02.2022 at about 9.00 a.m., in the morning, when he was going on his vehicle from his office, towards Gehri Mandi, he received a call from a boy No.76965-85847 asking

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him as to where he had reached. He informed the boy that he was about to reach Dherokot Road. On reaching there, he found one lady was standing and when he came out of the vehicle bearing No.PB-38E-1292 and started talking to her with regard to the votes, 3-4 motorcycles came to the spot upon which four 4 persons each were riding. He recognized some of the persons as Ravi Kant @ Anda son of Ramesh Kumar resident of Dhadiara Wala Bazar, Jandiala, Hira @ Heera (petitioner) resident of Mohalla Shekhupur, Meethu, resident of Mohalla Shekhupur, Jandiala, Ravisher (since granted bail vide order dated 26.08.2022 passed in CRM-M-35561-2022) resident of Bille Stopa Wali Gall Jandiala, Jagga resident of Dherokot, Sukh-brother of Jagga resident of Dherokot and many unknown persons who were having baseball bats and *datars*. They came there and asked him to hand over the keys of his vehicle. On his refusal, Hira @ Heera resident of Mohalla Sekhupur Jandiala gave a baseball bat blow on the backside of his head and thereafter all the accused started giving him beatings with baseball bats and *datars*. Hira @ Heera, resident of Mohalla Sekhupur Jandiala and Ravisher resident of Belle Stopa Wali Galli Jandiala started giving baseball and *datar* blows upon his (complainant's) vehicle. The window-panes of his vehicle were broken and a sum of Rs.50,000/- was taken away from the dash-board of the vehicle. One laptop and a mobile phone make Samsung was also taken away. While he (complainant) was lying on the ground, Jagga resident of village Dherokot forcefully took out two phone (i) Max bearing No.97819-0001610 and another Iphone 7 with SIM No.99144-00116 of Idea from his pocket and three gold rings. On raising an alarm, the accused ran away alongwith lady with their respective weapons. On

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that one of those persons, who has committed the offence namely Ravi Kant @ Anda, was standing outside the Jain Hospital, Jandiala. He (complainant) took along his friend Mahabir Singh went to the hospital and over-powered Ravi Kant @ Anda and he was handed over to the police. Based on the aforementioned allegations, the present FIR came to be registered.

3. The learned counsel for the petitioner contends that the petitioner has been implicated on account of political rivalry. The prosecution case is unbelievable. The petitioner is in custody since 01.06.2023 and the report under Section 173 Cr.P.C. stands submitted. None of the 10 witnesses cited in the list of prosecution witnesses have been examined. Therefore, as the trial is not likely to be concluded in the near future, he prays that the petitioner be granted the concession of regular bail, moreso, as his co-accused-Ravisher Singh has been granted the similar concession.

4. The learned counsel for the State, on the other hand, submits that the seriousness of the allegations against the petitioner and his co-accused does not entitle him to the grant of bail. He, however, does not deny the fact that the investigation stands completed and a co-accused has been granted the concession of bail. Besides, none of the 10 prosecution witnesses have been examined so far.

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

6. The petitioner is in custody since 01.06.2023. Investigation stands completed and none of the 10 prosecution witnesses have been examined so far. As the petitioner is a young boy of the age of 26 years, his further incarceration is not required when his co-accused, namely, Ravisher

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7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Jasbir Singh @ Jasbeer Singh @ Heera @ Hira, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

September 29, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No