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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-52448-2023(O&M)

Date of decision: October 19, 2023

Suraj Singh

...Petitioner

VS

State of Punjab

...Respondent

CORAM: HON’BLE MR.JUSTICE ARUN MONGA

Present: Mr. Satvir Singh, Advocate,
For the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

ARUN MONGA, J. (ORAL)

Aggrieved by being denied bail by the learned trial Court, the petitioner seeks his release as an undertrial in a case bearing FIR No.276 dated August 12, 2020, registered under Section 379-B of Indian Penal Code, 1860 (for short ‘IPC’)(Section 411 read with Section 34 of IPC added later on)at the Division No.8,Police Station, District Police Commissionerate, Ludhiana.

2. An FIR was registered based on the statement of Harmanjit Singh, the complainant. He stated that on August 11, 2020, he and his wife went to the clock tower to purchase clothes and were on their way home. Around 2:40 p.m., as they approached Mai Nand Kaur Gurudwara, two youths on a motorcycle snatched his wife's gold chain. They were unable to note the motorcycle's registration number. The petitioner was arrested on May 18, 2023, and has remained in custody since.

3. The petitioner's counsel argues that the petitioner was not named in the FIR, which was initially registered against unknown individuals without specifying the petitioner's involvement. During the investigation, one accused was apprehended, and he allegedly implicated the petitioner as one of the perpetrators. Only after this accusation did the petitioner become a named accused, three years

after the FIR in 2020. The counsel contends that the complainant falsely implicated the petitioner as an afterthought, and nothing can be recovered from the petitioner.

4. On the contrary, learned State counsel strenuously opposes the petition, expressing concerns about the possibility of the petitioner fleeing from trial proceedings if granted bail. He submits that the allegations against the petitioner are serious. He further submits that he is a habitual offender. Four other cases were pending against him however, he is on bail in those four cases. Apart from this, he has been acquitted in one another case, per custody certificate.

5. I have heard the rival arguments and reviewed the case file.

6. In response to a query from the Court, under instructions from ASI Sukhraj Singh, learned State counsel informs that the challan has been presented. Out of 08 prosecution witnesses, none has been examined. Thus, the investigation regarding the petitioner is complete, and he is not required for custodial interrogation.

7. At this stage, the allegations against the petitioner are subject to trial. Commencement/conclusion of the trial is likely to take a long time. Bail serves the purpose of allowing an accused to remain free until their guilt or innocence is determined. In contrast, the petitioner has been in detention since May 18, 2023, for more than 5 months.

8. The petitioner's continued preventive custody is based on an unsubstantiated suspicion that he might tamper with evidence or influence witnesses.

9. The petitioner is stated to be a 27-year-old family person and the sole breadwinner of his family. He has already lost his livelihood due to prolonged incarceration. He has added responsibility to look after his old aged mother. Having a family to look after and a fixed abode, it is unlikely that he poses any flight risk and/or will flee from trial proceedings.

11. Accordingly, the petitioner is ordered to be released on bail, in case not required in any other case, upon furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court, where his case is being tried, and case he/she is not available, before the learned Duty Judge, as the case may be.

13. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on the merits of the case, as the same is for the limited purpose of the bail hearing alone, and the learned trial Court shall proceed without being influenced by this order.

(ARUN MONGA)
JUDGE

Vandana

Yes/No

Yes/No