

CRM-M-54704-2023

2023:PHHC:141964

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(230)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54704-2023

Date of Decision: 07.11.2023

JAGPREET SINGH @ JAGGA & ANOTHER

... Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amritpal Singh Gill, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, 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.95 dated 25.07.2023 registered under Sections 323, 379B(2) IPC, 1860 and Sections 25, 54, 59 of Arms Act, 1959 (Sections 25, 54, 59 of Arms Act deleted and Section 411 IPC added later on) at Police Station Sarabha Nagar, Ludhiana, Punjab.

2. The present FIR came to be registered at instance of Nirmala alias Lachhmi wife of Rakesh alias Motu who stated that on 25.07.2023 while she was returning home on her bicycle, a white Activa scooter came behind her. The young man sitting behind pulled out a pistol and pointed it towards her and snatched her purse. On her resistance, they started beating her and forcibly took away the purse containing her mobile phone, Aadhar Card and Rs.480/-. She had come to know that the persons who had snatched purse from her were the present petitioners.

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3. The learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. During the course of investigation, the provisions of the Arms Act were deleted and the report under Section 173 Cr.P.C. was presented under Section 411, 323 and 379(B)(2) IPC only. As the petitioners were in custody since 26.07.2023, none of the 09 prosecution witnesses had been examined so far and they were first-time offenders, they were entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that pursuant to the arrest of the petitioners, one ladies purse containing an Aadhar Card of the complainant along with a mobile phone has been recovered. Serious and specific allegations had been levelled against the petitioners. Therefore, they were not entitled to the concession of bail. She, however, concedes that the petitioners are first-time offenders, in custody since 26.07.2023 and that none of the 09 prosecution witnesses had been examined so far.

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

6. The veracity of the prosecution case against the petitioners shall be adjudicated upon during the course of the Trial. Admittedly, the petitioners are stated to be first-time offenders, in custody since 26.07.2023 and none of the 09 prosecution witnesses have been examined so far. Therefore, their further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioners 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 they are not involved in any other crime other than the present case.

9. In addition, the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.50,000/- each 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 petitioners from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

07.11.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No