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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-58796-2022 (O&M)****Date of decision: July 03, 2023**

Mohabbatjit Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ankur Jain, Advocate for
Mr. Vivek Salathia, Advocate for petitioner.

Ms. Guramrit Kaur, DAG Punjab.

ARUN MONGA, J. (ORAL)

Petitioner seeks bail in criminal case bearing FIR No.0034 dated 09.02.2020, registered under Sections 379B (2) read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station, Ranjit Avenue, Amritsar.

2. Per FIR, on 08.02.2020 at about 9:07 p.m., complainant Ashish Rana along with his wife Upasana Rana had gone to In-Out Bakery, Ranjit Avenue, Amritsar to make an order for cake on his Maruti Suzuki Brezza Car bearing registration No.HP-72C-1908 dark gray colour. At about 9:20 p.m., when they came out of the said In-Out Bakery and sat in the Car, one unknown person pointed a pistol on his head and pushed him. His accomplice asked him to open the door of the Car upon which complainant and his wife came out of the car. One more accomplice was there having pistol and he reversed their car when it hit against a Verna car and then they all decamped with the car of complainant. Thus, an FIR was registered in this regard.

3. Learned counsel for petitioner contends that petitioner has been nominated as an accused in the present case on the basis of confessional and disclosure statement of an alleged co-accused. Petitioner neither stole the alleged

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car nor was any recovery effected from him. He submits that even the co-accused of the petitioner, namely, Harbhej Singh @ Bheja has already been granted concession of bail in CRM-M-18926-2021 vide order dated 21.05.2021 (Annexure P-2). He also submits that petitioner is in custody for more than 9 months.

4. On the other hand, learned State counsel, on instructions from ASI ASI Surjit Singh opposes the bail petition. She submits that petitioner has committed serious offence. She submits that there are three more cases pending against the petitioner, and out of which he is on bail in only one case. She also submits that in the other two cases, production warrants have been issued against the petitioner.

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

6. Co-accused of the petitioner, namely, Harbhej Singh @ Bheja has been granted bail by a co-ordinate Bench of this Court vide order dated 21.05.2021. FIR in question was registered against unknown persons. Petitioner has been implicated on the basis of disclosure statement suffered by co-accused. Trial is still likely to take long time, whereas petitioner has already been languishing in jail for the past more than 9 months in preventive custody.

7. Be that as it may, allegations against petitioner are a matter of trial at this stage. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

8. 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.

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9. In case, petitioner is found to be 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.
10. It is made clear that any observations made 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.
11. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 03, 2023
mahavir

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