

CRM-M-59087-2023
Date of decision : 29.11.2023

Versus

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Mr. Jaswinder S. Arora, DAG, Punjab with
ASI Harvinder Singh.

PANKAJ JAIN, J. (ORAL)

2. Reliance is being placed upon order dated 20th of November, 2023 passed in CRM-M No.56958 of 2023 whereby co-accused Jagsir Singh @ Jagga stands admitted to bail observing as under :

“This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.101 dated 21.08.2023 registered for the offences punishable under Sections

379-B, 420, 383, 411, 120-B of IPC and Sections 25 and 27 of Arms Act, at Police Station Nihal Singh Wala, District Moga.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Reliance is being placed upon order dated 14th of November, 2023 passed in CRM-M No.55733 of 2023 whereby co-accused namely Sikander Singh alias Sikanderi stands admitted to bail observing as under :

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.101 dated 21.08.2023 registered for the offences punishable under Sections 379-B, 420, 383, 411, 120-B of the IPC and Sections 25 and 27 of Arms Act, 1959, Police Station Nihal Singh Wala District Moga.

2. FIR came into being on the secret information received by ASI and it was stated as under :

“xxxthat Paramjit Singh @ Pamma son Mahinder Singh, Jagsir Singh @ Jagga son of Karnail Singh, Kewal Singh son of Nahar Singh, Sikander Singh @ Sikanderi son of Budh Singh, Satkartar Singh @ Yunus son of Unknown and Hanip Singh son of Unknown residents of Rureke Kalan District Barnala and two young unknown persons and Sukhwinder Kaur @ Sukhi wife of Surjeet Singh residents of Takhar Kalan District Malerkotla in a car make Alto of Blue color and motorcycle used to commit snatching with innocent persons forcibly with intention to cheat them by threatening them and by blackmailing them and by using a women in the commission of their said crime after taking advantage of the dark. Today also the said persons are roaming in the area. If barricading be conducted in a secret manner then the said persons can be apprehended. As the information being credible and reliable, on which the act of said persons by doing such fulfils the ingredients of commission of offence under section 379B, 420, 383 IPC 1860. On which ruga is being sent to PS by hand PHG Kuldeep Ram 23282 for the registration of case.xxx”

3. As per the prosecution statements of two victims namely Surinderpal Singh son of Jaagar Singh recorded on 24th of August, 2023 and of another victim namely Daljit Singh son of Baldev Singh recorded on 25th of August, 2023 wherein it was

disclosed as to how by using the co-accused lady as bait the victims were being put to extortion. Mr. Sekhon appearing for the petitioner submits that there is nothing to connect the petitioner with the alleged offences as disclosed by the victims who kept mum for more than 1 month/15 days and thus, the case projected by the prosecution is highly unbelievable. He further submits that the investigation already stands concluded and challan stands presented and the custody of the petitioner cannot be prolonged as a punitive measure.

4. Ld. State Counsel however opposes the bail plea and submits that the petitioner is facing four more cases apart from the present case i.e. three cases for offence punishable under Section 384 IPC and one under Section 307 IPC.

5. Faced with the situation counsel for the petitioner relies upon '**Prabhakar Tewari vs. State of UP and another**', 2020 (1) RCR (Criminal) 831 to submit that the involvement of the petitioner in several more cases cannot be a ground to deny bail. Further reliance has been placed upon '**Maulana Mohd. Amir Rashadi vs. State of UP (SC)**', (2012) 2 SCC 382.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.”

4. Ld. State Counsel though does not deny the fact that the petitioner *qua* allegations levelled in the present FIR would be similarly situated as was Sikander Singh alias Sikanderi but submits that the petitioner is a habitual offender and has five more cases registered against him.

5. Counsel for the petitioner submits that even Sikander Singh alias Sikanderi was having more than four cases and he was granted indulgence by relying upon the law laid down in **Prabhakar Tewari vs. State of UP and another**, 2020 (1) RCR (Criminal) 831 and '**Maulana Mohd. Amir Rashadi vs.**

State of UP (SC)', (2012) 2 SCC 382. He further submits that the petitioner is in custody for more than 2 months and 26 days.

6. I have heard counsel for the parties and have gone through records of the case.

7. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and granting parity, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

3. Counsel for the petitioner further submits that the petitioner is in custody since 21st of August, 2023. Investigation already stands concluded and Challan stands presented. Thus there can't be any apprehension that the petitioner shall tamper with the evidence.

4. Ld. State Counsel does not deny the fact that the petitioner *qua* allegations levelled in the present FIR would be similarly situated as was Jagsir Singh @ Jagga.

5. I have heard counsel for the parties and have gone through records of the case.

6. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and granting parity, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to

the satisfaction of the Trial Court/Duty Magistrate concerned.

7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 29, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No