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(232)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-60363-2023 (O & M)
Date of decision: 06.12.2023

Jobanjeet Singh alias Joban

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kamal Gupta, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in case FIR No.0106 dated 28.06.2023 under Section 379-B IPC (Section 34 IPC added later on) registered at Police Station Gharinda, District Amritsar.

2. The present FIR came to be registered at the instance of Mandeep Singh son of Harbhajan Singh who stated that on 28.06.2023 at around 5.00 p.m., when he and his wife Mandeep Kaur were riding on their scooter and were going from Amritsar to their home in village Dhanoe Khurd, then a motorcycle make Splendor came from behind and started following them. Two unknown persons who were empty handed were riding

on the said motorcycle. After they had gone a little ahead, the two unknown

SUKHPREET KAUR
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persons snatched the mobile phone from his wife and started to speed away. However, their motorcycle went out of control and slipped on the road. Both the persons fell from the motorcycle. With the help of other people, he (complainant) was able to catch one person alongwith the motorcycle. The said person disclosed his named as Gurpreet Singh (since granted bail vide order dated 16.10.2023, Annexure P-5). The recovery of the mobile phone of his wife came to be effected from him.

Subsequent to the registration of the FIR, the investigation began and the name of the co-accused Jobanjit Singh @ Joban (petitioner) arose in the disclosure statement of Gurpreet Singh and he was nominated as an accused in this case vide Rapat No.17 dated 30.06.2023.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He had been named in the disclosure statement of his co-accused which has no evidentiary value. A perusal of the contents of the FIR would reveal that no offence under Section 379-B IPC was made out. Neither has any weapon been used nor any injury been attributed to any of the accused. Even as per the allegations, no apprehension had been expressed of any injury being caused by the petitioner to the complainant. As the petitioner was in custody since 01.08.2023, none of the 09 prosecution witnesses had been examined so far, he was entitled to the concession of bail, moreso, when his co-accused/Gurpreet Singh had been granted the concession of bail and in the another case bearing FIR No. 80 dated 01.06.2021 under Sections 379 and 411 IPC besides Sections 21/61/85 NDPS Act, 1985 at Police Station City, Patti, District Tarn Taran, he had been granted bail vide order dated

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4. The learned counsel for the State, on the other hand, contends that the offences of this kind were on the rise and no indulgence was to be shown to the petitioner. He, however, concedes that the petitioner was in custody since 01.08.2023, none of 09 prosecution witnesses had been examined so far and that the co-accused, namely, Gurpreet Singh had been granted bail.

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

6. The veracity of the prosecution case against petitioner and his co-accused shall be adjudicated upon during the course of trial. Admittedly, he is in custody since 01.08.2023 and none of the 09 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required, moreso, when his co-accused has been granted the similar relief and in the other case registered against him vide FIR No.80 dated 01.06.2021, he has been granted the concession of bail vide order dated 28.07.2021.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Jobanjeet Singh @ Joban is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner 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 he is not involved in any other crime other than the present case.

9. In addition, the petitioner (or anyone on his behalf) shall

prepare an FDR in the sum of Rs.50,000/- and deposit the same with the

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Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 06, 2023
sukhpreet

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