

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-235-2024
DECIDED ON: 31st JANUARY, 2024

AKASH TEJPAL

....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 of the Code of Criminal Procedure, 1973, has been invoked for the grant of regular bail to the petitioner in case FIR No. 91, dated 30.04.2023, under Sections 379-B (2), 148 and 149 IPC and Section 27 of Arms Act, 1959, registered at Police Station Jandiala, District Amritsar Rural.
2. Learned counsel for the petitioner contends that the allegation qua the present petitioner is that he did the reki of the area and the vehicle, which was snatched by other co-accused and except that no other active involvement of the petitioner in the commissioning of offence.
3. It has been contended on behalf of the petitioner that the co-accused of the petitioner namely Yadwinder Singh @ Akashdeep Singh @ Akash has already been granted the concession of regular bail by learned

trial Court vide order dated 21.11.2023 (Annexure P-2), merely after having incarceration for a period more than four months whereas the present petitioner has suffered incarceration for a period of 9 months after his arrest on 02.05.2023.

4. The main stress of the complainant is qua the two unknown youngsters, who came on motorcycle and snatched the car from him at gun point while he was going drop his friend Jagjit Singh in his Urban Cruiser Toyota car bearing registration No. HP-20-J-1113.

5. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which the petitioner has suffered incarceration for a period of 09 months, as of now. He prays for dismissal of the present petition stating that the petitioner is a habitual offender and is involved various other cases of similar nature. He submits that it is during investigation the name of the petitioner has been surfaced wherein attribution qua the petitioner is that he was also accompanying the other co-accused persons at the time of commissioning of offence.

6. In the light of the afore-said facts and circumstances and added with the fact that in the present case challan stands presented on 02.08.2023 wherein, total 19 prosecution witnesses have been cited by the prosecution agency and nothing incriminating material is available against the petitioner except that he was accompanying the co-accused in the commissioning of offence, this Court is of the considered view that the petitioner cannot be detained for an indefinite period.

7. As far as pendency of other case is concerned, this Court in various judgments has already observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the

case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and is not material for the instant FIR.

8. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

9. The present petition is allowed in the afore-said terms.

10. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

31st JANUARY, 2024

(SANDEEP MOUDGIL)
JUDGE

Sham

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*