

CRM-M-2963-2024

Gagandeep Singh @ Bablu

State of Punjab

Present:- Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Mohit Kapoor, Sr. DAG Punjab.

PANKAJ JAIN, J. (Oral)

1. Prayer is for grant of regular bail in FIR No.260 dated 19.10.2023 (Annexure P-1) registered for offences punishable under Sections 379-B and 34 of IPC, 1860 at Police Station Islamabad, District Amritsar.
2. As per the allegations levelled in the FIR, it has been alleged as under:-

“Statement of Harpal Singh son of Jarnail Singh resident of Brar, Tehsil Ajnala, District Amritsar, age approximately 40 years, mobile no. 98782-02325 that I am the resident of the above said address and work as a Mason. My marriage was solemnized in the year 2008 with Mandeep Kaur daughter of Sampuran Singh, resident of Village Bhatti Ke, Saidpur Road, Amritsar. From this wedlock, I have three children, one is boy and two are girls. My son Harjinder Singh who was seriously ill due to the more infection in his body he

was admitted for treatment on dated 14.10.2023 in Simran Hospital, GT Road, Chheharta, Near Old Octroi, Amritsar. At present also, he is under treatment over there. Yesterday, on dated 18.10.2023, time approximately 8 PM, I was coming alone on foot towards UT Market from the Old Octroi opposite to the Simran Hospital and when I reached near polytechnic college, Amritsar and when I was connecting the number in order to make a phone call to my sister from mobile phone make micromax having SIM of Jio company holding in my hand having mobile no. 9878202325 in order to bring the food at Hospital then from the backside, two young man from them the driver the motorcycle was having muffled face and one young man having hair cut was sitting on the backside of him, who came all of sudden in speed manner the young man who was pillion rider was holding knife in his hand and showing the knife, the above said mobile holding in my hand was snatched forcibly and fled away. I was under fear and my son Harjinder was admitted in hospital and due to that and apart from that I was not having any other phone and I could not give information to the police, today, I was going to police station in order to give information to you by leaving my son Harjinder Singh under care of my wife who is admitted in the hospital then you have met me on the way, action may be taken. I can recognize the boys, who committed the snatching by coming in front of me. Statement has been got recorded to you, heard, it is correct. Sd/- Harpal Singh.”

3. Counsel for the petitioner submits that the petitioner was arrested on 20.10.2023 and subsequent to his arrest snatched mobile was recovered from his possession along with one knife. Counsel for the petitioner further submits that the petitioner is behind bars for more than

5 months and 23 days. Challan already stands presented and thus custody of the petitioner should not be allowed as a prolonged measure.

4. Faced with the situation, counsel for the petitioner relies upon *Maulana Mohd. Amir Rashadi Vs. State of UP (SC), 2012(2) SCC 382* and *Prabhakar Tewari Vs. State of UP and Anr., 2020 (1) RCR (Criminal) 831* to submit that the pendency of other criminal cases against the accused cannot be basis for refusal of prayer of bail.

5. Learned State counsel opposes the bail plea and submits that the petitioner is having two more cases under the Excise Act.

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

7. Keeping in view prolonged period of incarceration suffered by the petitioner and the fact that the challan already stands presented, present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

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

15-04-2024

spn

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned : Yes

Whether Reportable : No