

234 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-7003-2024 (O&M)
Date of decision : 16.02.2024**

Arshdeep Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. Inderpreet Singh Brar, Advocate
for the petitioner.

Mr. Harish Mehla, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.062 dated 14.04.2023, registered for the offences punishable under Sections 379-B/411 IPC at Police Station City Sri Muktsar Sahib.

2 As per the contents of FIR, it has been alleged as under :-

“Statement of Shinder Pal Kaur wife of late S. Nasib Singh son of S. Santokh Singh, resident of Model Town Wali Gali No. 3, Kotkapura Road, Sri Muktsar Sahib, aged about 52 years, Mobile No. 82288 39212. Stated that I am residing at above noted address and is serving as Anganwari Worker at village Haraj. On 4.4.2023, I alongwith my daughter Rupinder Kaur had gone to pay Credit Card Bill at Mod Road, Sri Muktsar Sahib on my Scooty bearing Registration No. PB 30 Z 2935 make Pleasure. When we were coming back, as we arrived near Karnail Cinema, New Grain Market, Sri Muktsar Sahib, two persons, having muffled their face, found riding on a Grey colour Scooty without any registration number. One of the said youngster snatched the gold

chain, wore by me and then, they fled away on their Scooty. We tried to chase them, but could not get the said Scooty rider unknown youngsters. I kept on searching the said chain snatcher youngsters, however could not locate them. Now, I have come to know that my gold chain is snatched by Jagmit Singh son of Naib Singh, resident of village Doda & Arshdeep Singh son of Mangal Singh, resident of village Chak Giljewala. Today I alongwith my daughter Rupinder Kaur were coming to report the mater, when you are met on the way. Kindly taken due legal action against said accused.”

3 Learned counsel for the petitioner refers to the statement made by complainant-Shinder Pal Kaur to submit that the alleged incriminating evidence in form of a recovery made from the petitioner in the shape of gold chain stands belied by the statement of the complainant herself and apart from that, complainant in her cross examination has stated that she does not identify the present petitioner. Counsel for the petitioner further claims parity with co-accused Jagmeet Singh, who has been ordered to be released on bail vide order dated 09.01.2024 passed in *CRM-M No.41570 of 2023*.

4 Learned State counsel is not in a position to dispute the aforementioned factual assertions based on record. He however submits that the petitioner is a habitual offender having 1 more case pending against him.

5 Faced with this situation counsel for the petitioner relies upon ***Prabhakar Tewari Vs. State of UP and Anr., 2020 (1) RCR (Criminal) 831*** to submit that the involvement of the petitioner in other cases cannot be a ground to deny bail.

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

7 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the 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 anything recorded herein shall not be construed as an expression of opinion on the merits of the case.

16.02.2024
Dinesh

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No