

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-8414-2024

Date of Decision: 21.2.2024

Jobanjeet Singh @ Jobanjit Singh @ Joban

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.29 dated 4.5.2022 registered for the offences punishable under Sections 379-B, 34 IPC and Sections 25, 27 of Arms Act at Police Station Mattewal, District Amritsar.

2. The allegations in nutshell are that two unknown persons snatched bag from the complainant which was containing cash worth ₹90,935/-, one tablet and one mobile phone by pointing pistol towards him and then two miscreants sped away from the spot along with snatched bag. During investigation, the petitioner was named as accused on the basis of the disclosure statement made by co-accused/Jagroop Singh and resultantly, the petitioner was arrested on 26.7.2023.

3. Counsel for the petitioner, *inter alia* submits that the petitioner is falsely named in the present case and that the alleged disclosure

statement, if any, made by co-accused against the present petitioner is inadmissible in evidence. It is further submitted that the petitioner is in custody for the last about 7 months and no incriminating article was recovered from his possession and that it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on bail.

4. Present petition is resisted by the State counsel who on instructions from ASI Varinderjit Singh submits that no doubt, FIR was registered against two unknown persons but thereafter, during investigation, co-accused/Jagroop Singh brother of the petitioner was arrested and he disclosed about the involvement of the petitioner in the present case and then the petitioner was named as accused and arrested in this case. However, State counsel has not disputed that during investigation, no stolen/snatched article was recovered from possession of the petitioner and that the trial is at its initial stage.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, FIR in this case was registered against two unknown persons who snatched bag containing cash and some other articles from the complainant. The petitioner was named as accused on the basis of the disclosure statement made by co-accused. Admissibility and veracity of the said disclosure statement will be tested during trial. Further, it appears that no incriminating article was recovered from possession of the petitioner who was arrested in the present case on 26.7.2023 and is presently lodged in judicial custody. Furthermore, after completion of investigation, challan stands presented but after framing of charges, no prosecution witness has been examined till date. It will take considerable time for the trial to

terminate. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(**KARAMJIT SINGH**)
JUDGE

February 21, 2024
Paritosh Kumar

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