



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

CRM-M-8989-2024

Date of Decision : 17.09.2024

SAJANDEEP SINGH ALIAS SAJAN

.....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Shivam Joshi, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.10, dated 25.01.2023, under Sections 379-B and 34 of the IPC (Sections 411 and 120-B IPC added later on), registered at Police Station Majitha Road, District Amritsar.

2. The prosecution agency was set into motion on a statement made by one Lakhbir Kaur wife of Nirbhai Singh. The relevant extract of the FIR reads as under:-

“.....that I am a resident of the abovesaid address and a retired Head Mistress from Punjab School Education Board Department. That on 25-01-2023 I alongwith my husband Nirbhai Singh went to deposit gold in the locker of Punjab National Bank, Majitha Road Amritsar, and at around 4:00 PM when we were walking from PNB Bank towards Ghala Mala Chowk, two cut-surd youths who had covered their faces with a cloth, came on a black motorcycle and then they came near me and slowed down their motorcycle and the young man sitting behind the motorcycle punched me in the stomach and snatched the black coloured ladies purse from my hand and the two youths fled from the spot alongwith their motorcycle. My purse

contained 2 gold ladies necklaces (6 tolas), one gold ladies chain 13 tolas), 2 gold gents kadas (4 tolas), 4 gold ladies kadas (7 tolas), 2 gold set earrings and jhumkas (3. Tolas)), 4 gents gold Ring (2) Tolas), Rs.50,000/- Cash, passbook of PNB Bank, Cheque Book and My Mobile phone make ONE+ Nord CE 2 Lite containing Airtel SIM 95010-17143 and Jio sim 98778-87700. Due to my old age, I could not recognize the said motorcycle. Appropriate legal action should be taken against the abovesaid persons.....”

3. In asking for the relief (*supra*), learned counsel for the petitioner, submits that the name of present petitioner was neither figured out in the present FIR, no any role, whatsoever, was assigned to him.

4. He further submits that though the recovery of some documents is shown to have been effected from the present petitioner, but the same were not shown to have been snatched in the FIR. Therefore, whether, the petitioner has committed the alleged offence, or not, is a moot question of law, which is to be adjudicated by the learned trial court concerned, only after adduction of evidence, which is yet to be produced by the prosecution agency.

5. He also submits that in the instant FIR, total five persons were involved, and out of these, four have already been extended the relief of regular bail.

6. Finally, he submits that though the petitioner is stated to have been involved in six other criminal cases, however, this would not disentitle the present petitioner to seek the relief of regular bail, specifically, when he has suffered incarceration of almost 1 ½ years, as on today, and the trial in the instant FIR, has yet not started.

7. *Per contra*, the learned State counsel has vociferously opposed the grant of asked for relief (*supra*), to the present petitioner, and has drawn attention of this Court towards the custody certificate, which

has been filed by him today in the Court, to submit that the present petitioner has criminal antecedents, and is involved in the offences of similar nature earlier as well, and every time he has misused, the concession of regular bail granted by the court concerned. However, he fairly concedes that as per the custody certificate, the petitioner has suffered incarceration of 01 year, 04 months and 18 days, as on today.

8. He further submits, on instructions imparted to him by the police official concerned, that charges in the instant matter has been framed way back on dated 17.10.2023, and out of the total 11 prosecution witnesses cited in the final report, none has been examined by the learned trial court concerned, till date.

9. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

10. Be that as it may be, considering the fact that the petitioner has suffered incarceration of 01 year 04 months and 18 days, as on today, and till today, out of the total 11 prosecution witnesses cited in the final report, none has been examined, and the conclusion of trial will take a long time, and coupled with the fact that no role specific role is assigned to the petitioner in the FIR, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of his bail bond

and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

11. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

12. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

13. All pending application(s), if any, stand **disposed** of accordingly.

September 17, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No