



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-14329-2024
Date of decision: 08.08.2024

JODBEER SINGH @ GOSHAPETITIONER(S)

Versus

STATE OF PUNJABRESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. B.S. Jaswal, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J.(ORAL)

By way of present petition filed under Section 439 Cr.P.C, the
petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
87	08.11.2023	379-B of IPC and Section 409/34 of IPC added later on.	Tarsikka, District Amritsar, Rural.

2. The brief facts of the case are that the FIR was lodged on the
allegations that on 01.05.2023 Manager Harwinder Singh and Salesman of
the complainant namely Tejpal Singh were going to deposit the cash
amounting to Rs. 6,78,000/- in the Punjab National Bank, Tangra. At about
2.45 PM, when they reached near diversion of Tangra road, two
unidentified persons, with muffled faces, came on a Splendor Motorcycle
and snatched the bag of the complainant from the Manager Harwinder
Singh and fled away towards Jandiala. On 09.11.2023, the complainant got
recorded his supplementary statement that his Manager Harwinder Singh is



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involved in the said snatching. In fact, an amount of Rs. 1,55,000/- was snatched instead of Rs. 6,78,000/- and the remaining amount was embezzled by the Manager Harwinder Singh and after the arrest of Harwinder Singh, the petitioner was nominated on the basis of disclosure statement of Harwinder Singh.

3. Arguments heard.

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner was nominated on the basis of disclosure statement of Harwinder Singh, Manager, who has since been granted regular bail vide order dated 12.03.2024 (Annexure P-4) passed in CRM-M-11918-2024. He submits that the co-accused Akashdeep Singh similarly situated, has already been granted concession of bail vide order dated 26.02.2024 passed in CRM-M-9212-2024 (Annexure P-3). The petitioner is in custody since 09.11.2023. After completion of investigation, challan has already been presented in Court and the petitioner is not having any criminal case registered against him.

4. *Per contra*, learned State counsel, on instructions from ASI Surinder Pal Singh, has opposed the bail application by arguing that the petitioner has actively participated in the crime, however, he admitted that after completion of investigation, challan has already been presented in Court and out of 11 witnesses cited by the prosecution none has been examined till date. He has not disputed the fact that the petitioner was nominated on the basis of disclosure statement made by co-accused Harwinder Singh, who has since been granted concession of regular bail.



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5. Keeping in view the submissions made by learned counsel for the petitioner, co-accused have already been granted concession of regular bail and the petitioner is in custody since 09.11.2023. After completion of investigation, challan has already been presented in the Court which is pending trial and out of 11 witnesses, none has been examined till date and it will take sufficient more time by the trial Court to conclude the trial, to ascertain criminal liability if any of the petitioner, and no purpose will be served by detaining the petitioner in custody any more in the present case triable by the Court of Magistrate. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

08.08.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |