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(223)

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

CRM-M-15671-2024

Date of Decision: 27.05.2024

KARAN @ MAAN

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.194 dated 21.08.2021 registered under Sections 379-B, 411, 468, 471, 473, 120-B, 201, 149 IPC at Police Station Cantonment Amritsar.

2. The present FIR came to be registered at the instance of Dr. Praveen Devgan son of Sh. Ved Parkash who stated that on 20.08.2021 at about 11.15 PM, while he and his son Satwik were roaming in their Verna car bearing No.PB85-0021 black colour, suddenly, unidentified persons came on a Splendor motorcycle from the back and fled away after snatching the car.

During the course of investigation, Sky Love Masih @ Rohit and Manmohitdeep Singh @ Joban who were travelling in the snatched Verna car

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bearing a fake number plate i.e. HR85-D-6727 were arrested and the car was taken into police possession. The said car was identified by the complainant as his own car.

On the basis of the disclosure statement of the aforementioned accused, Jaspal Masih @ Babbu son of Buta Masih and Vishal @ Kattu (since granted bail vide order dated 13.02.2023 passed in CRM-M-55735-2022) were nominated as accused. It was disclosed that they had taken the car without documents from Vishal @ Kattu through Jaspal Masih. The offence under Section 148 IPC was deleted and Sections 411/120-B/468/471 IPC was added vide DDR No.24 dated 09.09.2021. Jaspal Masih was arrested in this case on 09.09.2022.

During custodial interrogation, Love Masih @ Rohit and Manmohitdeep alias Joban suffered their disclosure statement on 10.09.2021 stating that at the time of taking the above-said Verna car from Vishal @ Kattu and Jaspal Masih, the accused Vishal @ Kattu had told them that he (Vishal @ Kattu) along with his friend Himmat Singh @ Mohan Bhandaria (granted bail vide order dated 19.04.2023 passed in CRM-M-15318-2023) and Karan @ Mann (petitioner) had snatched the above-said car from Amritsar and had displayed a fake number plate thereon. Love Masih @ Rohit and Manmohitdeep Singh @ Joban had purchased this snatched car for Rs.5,00,000/- only. Thereafter, the offence under Section 468/471 IPC was deleted and offence under Section 473 IPC was added.

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Subsequently, the report under Section 173(2) Cr.P.C. was submitted against Sky Love Masih @ Robin, Manmohitdeep Singh @ Joban and Jaspal Masih on 20.08.2022.

Thereafter, during investigation, co-accused Vishal @ Kattu (since granted bail) and Himmat Singh @ Happy who were already in custody in FIR No.143 dated 07.09.2022 under Sections 25 (6) (7) (8) of Arms Act, 120-B IPC at Police Station Majitha Road, Amritsar City were brought on production warrant and were arrested in the present case on 15.09.2022.

Thereafter, Karan @ Maan son of Tilak Raj was arrested in the present case after being brought on production warrant. A supplementary challan was submitted against Vishal @ Kattu, Himmat Singh @ Happy and Karan @ Maan (petitioner).

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. Nothing incriminating has been recovered from him. In fact, his name has been mentioned in the disclosure statements of his co-accused. A compromise had already been arrived at between the complainant on the one hand and the co-accused Manmohit Deep Singh, Sky Love Masih and Jaspal on the other. The recovery of the vehicle has also been effected from them. Proceedings qua them stand quashed. As the petitioner was in custody since 10.10.2022, none of the 16 prosecution witnesses had been examined so far, he was entitled to the concession of bail

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even though he was a habitual offender as his co-accused had been granted bail.

4. A short reply dated 27.05.2024 by way of an affidavit of Sukhpal Singh, PPS, Assistant Commissioner of Police, West, Amritsar City has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that the nature of the allegations did not entitle the petitioner to the grant of regular bail. He, however, does not dispute the factual narration of proceedings having been quashed on the basis of a compromise, the period of custody undergone by the petitioner, the stage of Trial as also the fact that 02 co-accused namely, Vishal @ Kattu and Himmat Singh @ Happy having been granted bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner has been named in the disclosure statement of his co-accused who have effected a settlement with the complainant. He has been in custody since 10.10.2022. None of the 16 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In such a situation, the further incarceration of the petitioner is not required moreso when 02 co-accused have been granted bail.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Karan @ Maan son of Tilak Raj is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

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8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

27.05.2024

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No