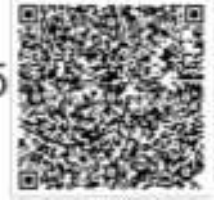


CRM-M-16548-2024

2024.PHHC:066665



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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

(216)

CRM-M-16548-2024 (O & M)

Date of Decision:-13.05.2024

Jasbir Singh @ Jasveer Singh

.....Petitioner.

Vs.

State of Punjab

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Umesh Aggarwal, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this second petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.179 dated 11.08.2023 under Sections 379-B(2)/411/34 IPC registered at Police Station Ranjit Avenue at Amritsar.

2. The present FIR came to be registered at the instance of Jagpreet Singh and reads as under:-

“Statement of Jagpreet Singh son of Rajinder Singh Resident of No.L-1 1163 New Gurnam Nagar Sultanwind Road Amritsar around 32 years of age, Mobile: 98154-04837 stated that I am resident of the said address and doing photography work. On date 05-08-2023 at 07:30 PM I was coming back to my home from the photography work on Airport Road by TVS Jupiter Color White Number PB02-CH-1901. When I reached the airport road before the Ranjit Avenue Dussehra ground turn, there was an auto driver and a young man sitting with him who came from the wrong side and hit my Jupiter due to which



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I fell off from the scooter Jupiter. I had a bag with me in which there was a Sony camera, two lenses, camera charger which I was wearing around my neck, the auto driver and his partner got out of their auto and both unknown persons took my bag from me. They also took out a mobile MI 11 Life NE 5G brand Xiaomi color white in the pocket and a young man drove my scooter Jupiter with the said number and escaped from the spot. The auto driver kept the said item in his auto and escaped from the spot. I fell on the road in an injured condition and the passer-by admitted me to Life Care Hospital Fatehgarh Churian Road where I was undergoing treatment.”

2. On the basis of secret information, Lovepreet Singh @ Love and Gurdev Singh @ Shalu were nominated as accused. Lovepreet Singh @ Love was arrested on 06.11.2023 and got recovered a snatched mobile phone MI 11 Life NE 5G make Xiamoi. He disclosed that he alongwith his associate Gurdev Singh @ Shalu had committed the offence in question and the cameras and other material were left with Gurdev Singh @ Shalu. The snatched Activa vehicle had been sold by him (Lovepreet Singh @ Love).

Gurdev Singh @ Shalu was arrested on 07.11.2023 and suffered a disclosure statement that he had sold the snatched camera and other material to his cousin Jasbir Singh (petitioner). The petitioner was nominated as accused on 08.11.2023. On his disclosure statement, he got recovered the snatched camera, lances and the camera stand.

Lovepreet Singh @ Love also got recovered the snatched scooty bearing registration No.PB02-CH-1901. Thereafter, on conclusion of the investigation, the report under Section 173(2) Cr.P.C. was submitted on 05.02.2024.

3.

The learned counsel for the petitioner contends that the



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petitioner has been falsely implicated in the present case. However, taking the allegations to be correct, the petitioner shall be liable under Section 411 IPC only. As he was in custody since 09.11.2023 but none of the 14 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon. Therefore, he was entitled to the concession of bail, moreso, when he is a first-time offender.

4. The learned counsel for the State, on the other hand, has filed a short reply dated 13.05.2024 which is taken on record. While referring to the said reply, he contends that the nature of the allegations levelled against the petitioner and his co-accused did not entitled him to the concession as prayed for. He, however, admits that the petitioner was a first-time offender, in custody since 09.11.2023 and that none of the 14 prosecution witnesses had been examined so far.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since 09.11.2023 and none of the 14 prosecution witnesses have been examined so far. Therefore, the Trial in the present case is not likely to be concluded soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Jasbir Singh @ Jasveer Singh 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.

8.

The petitioner shall appear before the police station concerned



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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 present one.

9. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- 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

May 13, 2024
sukhpreet

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