

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

CRM-M-21066-2024

Date of Decision:-03.05.2024

Varinder Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Ajay Kumar, Advocate for
Mr. Rishu Mahajan, Advocate for the Petitioner.

Mr. Vinay Kumar, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.34 dated 13.06.2023 under Sections 379-B(2), Section 411 IPC registered at Police Station Mehta, District Amritsar.

2. The brief facts of the case are that the statement of Arjinder Singh was recorded to the effect that on 12.06.2023 while he and his son had been Jobanpreet Singh aged 12 years were going from Mehta chowk side to Batala road on his Electric Scooty bearing No.PB-02-EG-1416, then one motor cycle without a number plate with three persons riding upon it came in front and stopped them (complainant party). Meanwhile three youngsters riding on another motor cycle also came and parked next to them. One youngster who had come on the second motor cycle alighted and demanded that they (complainant party) hand over whatsoever was in their possession.

On his (complainant's) raising a protest one of the youngsters sitting in the

rear seat holding a *datar* in his hand suddenly gave a blow upon him (complainant). On his putting out his left arm, the blow of the *datar* struck the inside of the elbow of his arm. Meanwhile his son raised an alarm “*Maar Ditta, Maar Ditta*” upon which the aforementioned persons attacked him (complainant) threw him down and on the point of the *datar* snatched his Electric Scooty and fled away. He could identify the accused if they were brought before him. Thereafter his brother Upjinder Singh came to the spot and information was given to the investigating agency.

On 16.06.2023 the complainant suffered a supplementary statement stating that he came to know of the names of the accused who had snatched his Scooty as Sharanjit Singh @ Gullu (since granted bail vide order dated 03.10.2023 in CRM-M-48963-2023) and Varinder Singh (petitioner). Both the said accused were arrested on 16.06.2023 and a scooter no.PB-02-CW-8918 which had been stolen from somewhere else was recovered on 16.06.2023. The said accused also suffered disclosure statements that the scooter snatched from the complainant had been taken away by one Vicky and his companions. On 19.06.2023 Vicky son of Kalu was nominated as an accused in the present case. Vicky who was already in custody in case FIR No.37 dated 18.06.2023 under Section 379, 411 IPC was arrested in this case on 19.06.2023. Pursuant to his arrest, Vicky suffered a disclosure statement that the Scooty snatched from the present complainant had been given by him to his three co-accused who had been accompanying him. He also disclosed that Scooter no.PB-02-CW-8918 which had been recovered from Varinder Singh and Sharanjit Singh had been stolen by him (Vicky) from Baba Shaheedan Sahib Gurdwara and had been handed over by him to Varinder Singh and Sharanjit Singh.

3. The learned counsel for the petitioner contends that the

petitioner has been falsely implicated in the present case. In fact nothing has been recovered from him and no specific injury has been attributed to him. No medico legal examination of the complainant had taken place. The recovery of the Scooter no.PB-02-CW-8918 had no connection with the instant case because the Scooty of the complainant purportedly snatched by the petitioner and his co-accused bears no.PB-02-EG-1416. As the petitioner was a first time offender, in custody since 16.06.2023 and none of the 15 prosecution witnesses had been examined so far he was entitled to the concession of bail, moreso as his co-accused had been granted the similar concession.

4. The Counsel for the State on the other hand contends that serious allegations have been levelled against the petitioner and his co-accused as multiple *datar* blows had been given on the person of the complainant and his scooty had also been snatched. Therefore, the nature of the allegations levelled against the petitioner and his co-accused did not entitle him to the grant of bail. He however, concedes that the petitioner is a first time offender, in custody since 16.06.2023 and none of the 15 prosecution witnesses have been examined so far and that a co-accused was on bail.

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 in custody since 16.06.2023 and none of the 15 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime 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-**Varinder Singh** son of Sh. Palwinder 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.

10. 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 present case.

11. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

12. In addition, 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.

13. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 03, 2024
Vinay

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