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

CRM-M-26001-2024**Date of decision : 29.07.2024****Mangal @ Mangal Singh****.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Sparsh Chhibber, Advocate
for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

Present petition has been filed by the petitioner under Section 439 Cr.P.C. praying for grant of regular bail in case FIR No.0071 dated 28.06.2019, under Sections 454 and 380 IPC and lately added Section 411 IPC, registered at Police Station City Jalandhar Rural.

Adumbrated facts of the case are that the FIR was lodged on the statement of Amritpal Singh Chandi, wherein it was alleged that he went out of the house on motorcycle to get medicine for his mother. When he came out of the house at around 11 o'clock, he found the lock of the house broken and 03 unknown persons had jumped over the wall and they escaped. On checking the house, he found that Rs.20,000/- had been stolen from his house and some gold articles were also found to have been stolen. Request was made to take legal action. On the request, FIR was registered and the investigation commenced. During investigation, the petitioner, namely, Mangal @ Mangal Singh was arrested on 11.07.2019, however, he approached the Court of Learned Judicial Magistrate Ist Class, Nakodar and he was granted bail on 29.07.2019. Though, thereafter he jumped the bail on 13.10.2023 and was re-arrested on 06.03.2024.

The petitioner approached the Court of Learned Additional Sessions Judge,



Jalandhar praying for grant of bail, however, after hearing both the sides, the same was declined by the Ld. Additional Sessions Judge, Jalandhar vide order dated 30.04.2024. Aggrieved by the same, the petitioner is before this Court by way of filing present petition praying for grant of bail.

Learned counsel for the petitioner has submitted that the petitioner has been illegally implicated in the present case. He submits that the petitioner has been arrayed as an accused only on the basis of disclosure statement of the co-accused and after having been arrested, he was granted bail on 29.07.2019. He submits that due to some miscommunication between him and his counsel, he remained absent on 13.10.2023 and hence his bail was cancelled later on. He submits that petitioner is doing the job of a Cleaner of the Truck and he went to South India on his truck due to which he could not appear before the trial Court. Thereafter, he was arrested on 06.03.2024 and till date he is behind bars. He submits that that the petitioner is not a habitual offender and he is ready to abide by the terms and conditions of the bail granted. He has submitted that investigation in the present case is complete and charges are also framed. He submits that in the overall facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

Per contra, learned State counsel, on the other hand, has opposed the submissions made by counsel for the petitioner. He submits that petitioner had already misused the concession of bail granted to him by the Court as he jumped the bail. He has submitted that petitioner was arrested again on 06.03.2024 and he is in custody since then. However, only 01 witness has been examined out of 11 prosecution witnesses. He further submits that the petitioner is involved in two other cases, however, he is on bail in those cases.



Heard. On hearing counsel for the parties and perusing the record, it is apparent that the petitioner has been arrayed as an accused on the basis of disclosure statement of the co-accused. He was granted bail by the Court but as he remained absented on 13.10.2024, hence his bail was cancelled. He is behind bars since 06.03.2024. The custody certificate produced by the learned State counsel would show that though the petitioner is involved in two other case, however, he is on bail in those cases. As per learned State counsel, out of 11 prosecution witnesses only 01 has been examined till date.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

29.07.2024
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(RAJESH BHARDWAJ)
JUDGE

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