

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-29481-2024
Date of decision: 10.07.2024

JOBANJIT SINGH ALIAS JOBANPetitioner

Versus

STATE OF PUNJAB ...Respondent

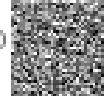
CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Petitioner who is behind the bars since 03.10.2022, in case FIR No.0254 dated 24.09.2022, has knocked the door of this Court, for the grant of regular bail under Sections 379-B and 149 of IPC, and under Section 25 of the Arms Act, 1959, (Sections 395, 482 and 411 of IPC were added later on), registered at Police Station Tanda, District Hoshiarpur.
2. Learned counsel for the petitioner submits that the petitioner was falsely implicated in the instant FIR, that too after one month of the occurrence. Learned counsel for the petitioner further submits that the petitioner was nominated as an accused on 21.10.2022, and finally got arrested on 03.10.2022, after getting the production warrants issued, as he was confined in Amritsar jail, in some other case. Learned counsel for the petitioner also submits that no recovery has been effected from the present petitioner, which could connect the present petitioner with the alleged crime. Learned counsel for the petitioner in addition



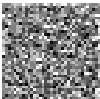
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submits that the supplementary statement of the complainant, was recorded on 21.10.2022, and on the basis of which name of the present petitioner, along with other accused persons have been incorporated, vide DDR No.51 dated 21.10.2022. Learned counsel for the petitioner over and above submits that the delay is not explained by the prosecution, which creates a doubt on the case of the prosecution.

3. On the other hand, learned State counsel has opposed the grant of regular bail to the present petitioner, and the main thrust of his argument is with regard to the antecedents of the present petitioner. Learned State counsel further submits that the petitioner is involved in two other criminal cases, out of which one case is of similar nature.

4. The learned State counsel has placed on record the custody certificate issued by the Superintendent of Central Jail, District Amritsar. The same is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 09 months and 05 days, as on today. Learned State counsel on instructions, imparted to him by SI Lovinder Singh, submits that there are total 10 accused persons, and all of them have been arrested in the instant FIR, and none has been granted the relief of regular bail so far. Learned State counsel informs this Court that after conclusion of the investigation, the final report under Section 173 Cr.P.C., had already been filed on 22.12.2023. Learned State counsel also submits that out of the total 20 prosecution witnesses cited in the final report, none has been examined till date.

5. Be that as it may be, this Court has examined the submissions of learned counsel for the parties concerned, as well as after perusal of the FIR, this Court is of the considered view that the petitioner deserves to be released on



regular bail, mainly on the ground that no recovery has been effected at the behest of the present petitioner. The petitioner has suffered incarceration of 09 months and 05 days, as on today, and the trial is yet to begin, whereas, out of the total 20 prosecution witnesses cited in the final report, none has been examined till date, therefore, the conclusion of trial would take long time. So far as the issue that the petitioner is involved in two other criminal cases is concerned, in one case he is on bail, therefore, the pendency of other case in the opinion of this Court would not come in the way of the petitioner for releasing him on regular bail in the instant case.

6. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

8. All pending application(s), if any, stand **disposed** of accordingly.

10.07.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No