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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32683-2024

Date of Decision: 16.07.2024

Jagraj Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Kamaldip Singh Sidhu, Advocate with
Ms. Kirandeep Kaur, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.12 dated 13.02.2024 registered under Sections 379-B, 323, 341, 506, 34 of IPC (later on offence under Section 34 of IPC was deleted and an offence under Section 148, 149, 411, 201 of IPC were enhanced), at Police Station Bhadaur, District Barnala.

2. The FIR in the present case was registered on the basis of the statement made by Gurwinder Singh son of Sukhwinder Singh, resident of Mauran Patti, Nainewala. As per the complainant, at about 6.30 p.m. on 12.02.2024 he was going home on his motorcycle. When he reached Barnala, Bajakhana Road, a motorcycle came from behind and waylaid him. Four persons, who were riding a motorcycle, came to the complainant and one accused inflicted a blow with an iron pipe on his left arm. They also snatched a



mobile phone and Rs.1,000/- from the complainant. They also took away a kit of blue colour, containing his lunch box. The complainant informed his family members and the FIR was initially registered against four unknown persons.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case without any evidence. The petitioner was neither named in the FIR nor there is any averment, which even remotely connects the petitioner with the alleged crime. He further contends that two motorcycles and one mobile phone were recovered from the present petitioner, however, the said recovery does not connect the petitioner with the alleged crime. The petitioner was arrested on 15.02.2024 and is in custody for the last about five months.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the involvement of the petitioner has been proved during the course of the investigation. He further contends that one motorcycle and mobile phone, which were allegedly recovered from the petitioner, belonged to the complainant in the present case. He however submits that challan has already been presented against the petitioner. He further submits that one more case of similar nature has already been registered against the present petitioner.

5. I have heard the learned counsel for the parties and perused the record.

6. No doubt, the allegations levelled against the present petitioner are serious in nature but the petitioner is in custody for the last about five months.

In the present case, 22 witnesses have been cited by the prosecution, but no



witness has been examined so far. Moreover, the recovery of motorcycle and mobile phobe have already been taken place and no purpose will be served by keeping the petitioner behind bars. Even the trial has just formally begun and there are no chances of early conclusion of the trial.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

16.07.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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