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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 32537-2024
Date of decision:-19.11.2024

RAJENDER SINGH @ JERRY
... Petitioner

Versus

STATE OF PUNJAB
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 18.11.2024, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code for grant of regular bail in the following case :-

FIR No.	Dated	Sections	Police Station
60	18.04.2024	379-B(2) (395, 397 411 and 412 IPC added later on)	City South, District Moga

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner was not named in the FIR but was nominated in the



supplementary statement of the complainant. He contends that possible recovery has already been effected, and after completion of investigation, challan has already been presented in Court, and conclusion of trial will take long time, as such he prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has not disputed the factual matrix that the petitioner has been nominated in supplementary statement of complainant Kamal Kumar @ Vicky. He contends that the petitioner and other co-accused had actively participated in the occurrence and had snatched Aactiva Scooter and cash from the complainant as such he is not entitled for concession of regular bail. However he has admitted that the investigation has been concluded and the challan has been presented in the trial Court.

6. After considering the rival contentions and perusing the record, it transpires that the FIR was lodged on the statement of Kamal Kumar stating that on 18.04.2024 at about 8 pm after closing his shop he was going to his house on scooter with 5-6 lakh cash, when he reached in front of his house then three persons with muffled faces came there from backside on motorcycle and one of them gave dah blow on the head of the complainant. Complainant ran into his house by leaving the scooter and 5-6 lakhs cash inside the scooter. The assailants took away the scooter with them and ran away from the spot. Admittedly the petitioner was not named in the FIR and his name surfaced only after the complainant recorded his supplementary statement. As per the reply submitted by the State recovery of the stolen articles have been effected from the petitioner and the other accused. After completion of investigation, challan has already been presented in Court,



and the conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case triable by the Court of Magistrate will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

19.11.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No