

(222) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35056-2023
Date of Decision: 15.01.2024

JATINDERPAL SINGH @ CHINDU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Davinder Bir Singh, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.0011 dated 06.02.2023 registered under Sections 379, 411 IPC, 1860 (subsequently added Section 482 IPC, 1860) at Police Station Sadar Rupnagar, District Rupnagar.

2. The present FIR came to be registered on the basis of a secret information and the same reads as under:-

“Jai Hind. Today myself ASI along with ASI Balbir Singh 572/R, ASI Gurchain Singh 1010/R, ASI Mahinder Singh 335/R, HC Gurjeet Singh 913/R, C- II Palwinder Singh 380/R, Senior Constable Himmat Singh 40/R were in government vehicle bearing No. PB65AW-5131 which was driven by PHG Parmanand 31082/343 and were patrolling in connection with search of smugglers and suspicious persons and were present on National Highway from Ghanoli to Rupnagar on metalled bridge. It was about 1:30 PM, then a secret informer informed to myself ASI that Rupinder Singh @ Chhindu S/o Harbans Singh R/o Panyali, P.S. Kathgarh and Jitender Kumar @ Chhinda @ Tayia S/o

Parshotam Lal r/o Jatoli, P.S. Nurpur Bedi are indulged in theft of cars and motorcycles and further use to sell it. That Jatinder Singh @ Taiya of police station Nurpur Bedi is proclaimed offender from quite some time in some serious cases. Both these persons are coming from the side of Ghanoli and proceeding towards Rupnagar in a car bearing registration No. PB11-CM-3446, Make Alto, colour black, which is being driven by Jatinder Pal Singh and are preparing to sell the above stated car at Burail, Chandigarh. In case, barricading and checking is done, then the above stated persons along with stolen car can be apprehended. Then myself ASI along with other police officials after briefing, held a barricading and started checking the vehicles. Then one car registration bearing No. PB11-CM-3446, Make Alto, Colour Black was seen coming, which was stopped for checking by myself ASI with the help of other officials. Then the person sitting on the conductor side tried to flee away after opening the door of the car. Myself ASI with the help of other police officials apprehended both the young man and enquired about them. On this the person sitting on the driver side disclosed his name as Jitender Singh @ Chindu S/o Harbans Singh, R/o Paniyali, P.S. Kathgarh, District Shaheed Bhagat Singh Nagar and the other person disclosed his name Jitender Kumar @ Chinda @ Tehia S/o Parshotam Lal R/o Jataulo, P.S. Nurpur Bedi, District Rupnagar. Both the above stated persons were asked to produce the documents of the above stated vehicle, but they could produce the documents of the above stated vehicle and started dilly delaying the proceedings. On pressing hard, the above stated persons disclosed that they have stolen this car some time ago from Nijjar Chowk, Mundi Kharar, SAS Nagar. That today they was going to sell the above stated car to the Junk Dealer at Burail, Chandigarh. That Jitenderpal Singh @ Chindu S/o Harbans

Singh R/o Panyali, P.S. Kathgarh, District Shaheed Bhagat Singh Nagar and Jitender Kumar @ Chhinda @ Taiya S/o Parshotam Lal R/o Jatauli, P.S. Nurpur Bedi, District Rupnagar have stolen the car and by keeping in their possession have committed offence under Section 379/411 IPC. Therefore, ruqa is sent for registration of a case against Jatinderpal Singh and Jitender Kumar for the above stated offences through Senior Constable Himmat Singh 40/R to police station Sadar Rupnagar. A case be registered and case number be intimated. The information be sent to the higher officials and police control room Rupnagar through wireless. Myself ASI along with other police officials is busy in investigation on the spot. Sd/- Kewal Singh, ASI/1265/PTL. CIA Rupnagar dated 06.02.2023 M.No. 98723-12196. xx”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, the Investigating Agency was repeatedly involving the petitioner in a number of cases in order to show their efficiency to the higher officials. Though, the petitioner was an accused in six cases, in three of the said cases, he had been acquitted whereas in three other cases arising out of FIR No.51 dated 04.09.2014, U/s 323, 341, 342, 365, 506, 148, 149 IPC, P.S. Kathgarh, District SBS Nagar, FIR No.18, dated 10.02.2015, U/s 21, 22 of the NDPS Act, District SBS Nagar and FIR No.117, dated 06.09.2022, U/s 379 IPC, P.S. Balongi, District SAS Nagar, he had been convicted. Be that as it may, as he was in custody in the present case since 06.02.2023 but only 01 of the 15 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. A status report dated 15.01.2024 by way of an affidavit of Tarlochan Singh, PPS, Deputy Superintendent of Police, Rupnagar, District Rupnagar, Punjab has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that the petitioner was a habitual offender. He was a convict in three other cases. Therefore, his antecedents did not entitle him to the grant of regular bail. He, however, concedes that the petitioner was in custody since 06.02.2023 and that only 01 of the 15 of the prosecution witnesses had been examined so far.

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 06.02.2023 and that only 01 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-Jatinderpal Singh @ Chindu son of Harbans 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.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

15.01.2024

JITESH

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