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

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Date of decision: 6th September, 2024

Karanpal Singh @ Karan

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Viren Sibal, Legal-Aid Counsel for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C. by the petitioner seeking grant of regular bail in case bearing FIR No. 52 dated 11.02.2024 registered under Sections 379, 411, 482 and 201 of IPC, 1860 at Police Station City Kapurthala, District Kapurthala.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on receipt of an information that the accused Jagjot Singh @ Jagga who was involved in case of committing theft of motorcycles from different places, was in possession of one stolen motorcycle and was waiting for some customer to sell it and could be caught with the same, a police party which was on patrolling duty, immediately rushed towards the informed place and apprehended the accused Jagjot Singh @ Jagga along with a stolen motorcycle. After registration of FIR, investigation proceedings

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were initiated. He suffered a disclosure statement to the effect that he had purchased the recovered vehicle from the present petitioner and previously also two stolen vehicles were sold to him by the petitioner. He also got recovered those stolen motorcycles. On the basis of his disclosure, the petitioner was nominated as an accused and was arrested. Investigation has since been completed.

3. Learned counsel for the petitioner contends that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be legally admissible. He is in custody since 18.02.2024. Trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Hence, it is urged that the petitioner deserves to be given concession on bail.

4. Status report has been filed by respondent-State. It is argued by learned State counsel that there are serious and specific allegations against the petitioner. He has criminal antecedents since as many as nine more cases of similar nature have been registered against him. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have committed theft of motorcycles. Investigation has since been completed.

Trial is likely to take time. Further detention of the petitioner would not



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serve any useful purpose. Mere registration of other cases is not a ground to deny benefit of bail to the petitioner. Since all witnesses are police officials as such question of petitioner's intimidating them does not arise. It is well settled principle of law that bail is the rule and jail is an exception. Keeping in view the period of his incarceration, the nature of the allegations as levelled against him and in view of the facts and circumstances as discussed above, the petition is allowed and the petitioner is ordered to be admitted on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

6th September, 2024

Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |