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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41655 of 2023
Date of Decision: 29.02.2024

Gupreet Singh @ Gopi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Balbir Singh Jaswal, Advocate for the petitioner.
Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.10, dated 06.04.2023, under Sections 379-B, 341 and 34 of the IPC, 1860 (Section 201 IPC added later on), registered at Police Station Mattewal, District Amritsar.

Learned counsel for the petitioner submits that in the instant case, alleged recovery of 3 Redmi Note 8 mobile phones have been shown qua him with the allegation that they tried to snatch the motor-cycle as well. In fact in the FIR, three persons were named as an accused namely, Partap Singh, Paramjit Singh and present petitioner-Gurpreet Singh but there is a delay of 17 days in reporting the case to the police as alleged occurrence took place on 21.03.2023 and was reported on 06.04.2023 to which no plausible explanation has been putforth by the complainant.

It is also asserted on behalf of the petitioner that he has been falsely implicated in the case just to intact their record that such complaints have been addressed by the police since he is involved in other multiple cases

and in those cases also, he is on bail.

Mr. Verma, on the other hand, has furnished the copy of the custody certificate, which is taken on record who asserts for dismissal of the present petition stating that the petitioner is an habitual offender and he is involved in multiple other cases, as has been detailed in the custody certificate, to be precise four in total but could not deny the factum that the petitioner is on bail on all those cases except in one FIR No.8 dated 17.03.2023 which is also of identical nature under Sections 379-B(2), 341, 506, 148 and 149 IPC read with Sections 25, 27, 54 and 59 of the Arms Act, Police Station Mattewal, District Amritsar.

To counter the aforesaid assertions, learned counsel for the petitioner has produced a copy of the order granting regular bail by the trial Court, dated 19.07.2023 but submit that he could not be released on bail for lack of furnishing surety bonds and personal security.

Be that as it may, another averment made in the petition is in Para 14 wherein the petitioner has stated that his wife is on family way and expecting her delivery on 26.08.2023 as this petition is pending before this Court since 21.08.2023 but the same is pending for adjudication.

Considering the aforesaid facts and the period of pendency of this petition which could not be justified wherein the petitioner was kept in jail wherein he could have enjoyed the moments with the newly born child which might have been born in the month of August or early September 2023 and apart from the fact that the petitioner is on bail in all other cases and in the instant case also has already in custody for 10 months, 26 days by this time, added with the fact that there is an unexplained delay in lodging of the FIR to the tune of 17 days which has not been explained by the State so far.

This Court also cannot ignore the aspect that after framing of the charges on

31.10.2023, in the last four months, not a single witness has been examined so far out of 11 PWs cited in the challan for which the petitioner cannot be blamed as speedy trial is also one of the fundamental right enshrined under Article 21 of Constitution of India which cannot be deprived to the petitioner and in the instant case, since the investigation is complete, challan stands filed, charges have been framed, no useful purpose would be served by keeping the petitioner behind the bars for uncertain period wherein the case property has already been recovered from the possession of the petitioner that too is only mobile phone and apart from that, no other incriminating material has been pointed out for which the petitioner be kept behind the bars.

In view of the above, petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

29.02.2024
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

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