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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-41466-2024 (O&M)
Date of decision: 02.09.2024

Rajbir Singh @ Raja ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ritesh Pandey, Advocate
for the petitioner.

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

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case arising out of FIR No. 157 dated 07.10.2023, registered under Sections 379-B, 341, 427, 506, 148, 149 of IPC (Section 379(B)(2) of IPC added later on) at Police Station City Batala, District Batala.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 07.10.2023 on the basis of the statement recorded by the complainant-Arshad Hussain alleging therein that on the day, after unloading the goods, he was coming from Ajnala to Fatehgarh Sahib in his truck. When he reached Dharampura colony at about 02:00 PM, 7-8 young persons came on different motorcycles and stopped him forcibly. They made him step down from the vehicle. The said persons snatched his mobile as well as the keys of his vehicle and threatened him to

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kill. The complainant got terrified and ran away from the spot. The accused persons, after damaging the vehicle, ran away from the spot along with their weapons. After registration of the FIR, investigation proceedings were initiated. Co-accused Mandeep Singh was arrested by the police on 15.10.2023 in another FIR bearing No. 158 of 2023, registered under Sections 452, 427, 148, 149 of IPC and during interrogation, he suffered disclosure statement to the effect that the petitioner was also with him at the time of commission of subject offence in the present case. The petitioner was arrested on 14.07.2024. The petitioner had moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Gurdaspur but the same was dismissed, vide order dated 13.08.2024.

3. The present petition has been filed by the petitioner on the ground and his counsel has argued that he has been falsely implicated in this case. The petitioner has been nominated in this case as accused on the basis of the disclosure statement suffered by aforesaid co-accused, which is not admissible in evidence. Co-accused Mandeep Singh, from whom recovery of stolen article was effected, has already been granted concession of regular bail by this Court, vide order dated 20.03.2024 passed in **CRM-M-5010-2024**. *Challan* qua co-accused Mandeep Singh has already been presented before the Court. Investigation qua the present petitioner has since been completed. Trial is likely to take time. No useful purpose would be served by keeping the petitioner in custody anymore. It is further submitted that even on the grounds of parity, the petitioner is entitled to get benefit of regular bail. Hence, it is prayed that the present petition deserves to be allowed.

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4. *Per contra*, learned State counsel has opposed the prayer of the petitioner by submitting that although, the present FIR was initially registered against unknown persons, however, during the course of investigation, co-accused Mandeep Singh was arrested and it was on his disclosure that the present petitioner was nominated as accused in this case with the allegation that he was also a part of the gang, who committed the subject offence. Therefore, he has argued that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of the common object of that unlawful assembly, is further alleged to have snatched the mobile phone and keys of the vehicle of the complainant on 07.10.2023 and is further alleged to have criminally intimidated him. The petitioner was arrested on 14.07.2024. However, no recovery of any stolen article was effected from him. Co-accused Mandeep Singh, on whose disclosure, the petitioner was nominated in this case as an accused, has already been granted concession of regular bail by this Court as mentioned above. The investigation qua the petitioner has since been completed. Trial is likely to take time. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

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8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

02.09.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>