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

CRM-M-47983-2023

Date of decision: 24.01.2024

Jagdev Singh @ Jaggu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Armaan Gagneja, Advocate for the petitioner.

Mr. G.S. Sidhu, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case having FIR No.77 dated 16.05.2023 under Sections 392/34 of IPC (Sections 120-B/397/452 IPC and Sections 25/54/59 Arms Act added later on) at Police Station City Muktsar, District Sri Muktsar Sahib.

2. The allegations in nutshell are that on 15.05.2023 at about 1.30 PM, 3 persons having muffled faces armed with deadly weapons entered the shop of complainant and threatened him and thereafter, forcibly took out cash of more than one lac from the cash box and then they fled away from there. Later on, complainant got recorded his supplementary statement on 29.05.2023 wherein complainant disclosed that the aforesaid miscreants were Princepal Singh @ Prince, Jitender Singh and Mehar Singh and he

further stated to the police that the main conspirator behind the occurrence was the present petitioner namely Jagdev Singh @ Jagga.

3. Counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in the present case which was registered against 3 unknown persons. He further submits that the petitioner is in custody since 09.06.2023 and no incriminating article was recovered at his instance by the police and further only allegations against the petitioner are that he hatched conspiracy to commit the aforesaid incident of snatching and robbery. It is further submitted that the trial is yet to commence as charges are not framed till date. So, prayer is made that the petitioner be released on regular bail.

4. The present petition is resisted by the State counsel who on instructions from ASI Iqbal Singh submits that the petitioner is the main accused who hatched conspiracy and thereafter co-accused committed robbery of more than Rs.1 lac from shop of the complainant. However, the State counsel has not refuted the fact that the petitioner is in custody for the last more than 7 months and that the trial is yet to commence and that during investigation nothing was recovered from possession of the petitioner. However, the State counsel has apprised the Court that the petitioner is having criminal history as is detailed in custody certificate.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, the FIR in this case was registered against unknown persons who robbed complainant of more than one lac. Later on, the name of petitioner and other accused surfaced in the supplementary

statement of the complainant. Subsequently, the petitioner was arrested on 09.06.2023 but no incriminating articles were recovered from his possession during the investigation of the case. The only allegations against the petitioner are that he entered into conspiracy with the other accused persons and did recce of the shop of the complainant and thereafter his co-accused committed robbery and took away more than Rs.1 lac from shop of the complainant by extending threats to him. Admittedly, the police has presented challan on completion of investigation but charges are yet to be framed and even thereafter the trial will take considerable time to conclude. In the given circumstances, the pendency of other criminal cases against the petitioner could not be considered as impediment to grant him regular bail. In the present case, no purpose is going to be served by keeping the petitioner in custody for any longer period.

7. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned, if the petitioner is not required by the police in any other criminal case.

24.01.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**