

CRM-M-50746-2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50746-2023 (O & M)
Date of Decision: 14.02.2024

Lovepreet Singh @ Labha

... Petitioner

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vipul Aggarwal, Advocate
for the petitioner.

Ms. Amrita Garg, AAG, 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.44 dated 26.06.2023 under Sections 379-B, 34 IPC (Section 411 IPC added later on) at Police Station Mohkampura, District Police Commissionerate, Amritsar.

2. The present FIR came to be registered at the instance of Rakhi daughter of Late Bhagwan Saroop and reads as under:-

“Statement of Rakhi daughter of Late Bhagwan Saroop, resident of House No.1263, Gali No.02, New Rajesh Nagar Batala Road, Amritsar, aged about 40 years, Mob:9646141648, had stated that I am a resident of the abovesaid address. I do the work of immigration near Bus Stand, Amritsar. On dated 25-06-2023 time at about 02:30 PM, due to cut off electricity, I was standing outside my house that two young boys came from behind on a motorcycle mark Splender colour black whose number I was not able to read, out of which one was having hair cut and the other

was Sikh. The Sikh boy was the pillion rider on the motorcycle. That the young Sikh person who was the pillion rider on the motorcycle snatched my mobile phone of make MI NOTE 12 5PRO 5G colour star dust purple whose IMEI No. 1) 865267060141792, 2) 865267060141800 and fled away the motorcycle and I at that time became very much nervous and I told this whole incident to my brother Amit, who told it is necessary to take action, upon which I alongwith my brother Amit came present before you at the police station. I can identify the accused if they come present before me. I had got recorded my statement. Action be taken. Sd/- Rakhi dated 26/06/2023”.

3. During the course of investigation on 27.06.2023, the investigating officer received secret information that the petitioner-Lovepreet Singh @ Labha had snatched a mobile phone from the complainant and could get the same recovered.

Pursuant to the secret information, the petitioner was apprehended and suffered a disclosure statement that he and his friend-Rahul @ Murgi had snatched the mobile phone from the complainant. Based upon the disclosure statement, the mobile phone in question and a motor cycle make Hero Splendor bearing No.PB02-EL-0715 used in the commission of the crime was recovered from his house.

Co-accused/Rahul @ Murgi who was in judicial custody in FIR No. 212 dated 13.07.2023 under Section 379-B(2) IPC, Police Station Sadar, Amritsar was brought on production warrants and was arrested in this case. The offence under Section 411 IPC was added vide GDR No.26 dated 17.08.2023.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The recovery of the mobile phone had been planted upon him. As he was in custody since 26.06.2023 and only 02 out of the 13 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.

5. The learned counsel for the State, on the other hand, has filed a reply dated 14.02.2024 which is taken on record. While referring to the said reply, she contends that the snatched mobile phone alongwith the motorcycle which was used in the occurrence both were recovered from the petitioner. He had criminal antecedents with two other cases registered against him. Therefore, he was not entitled to the concession of bail. She, however, concedes that the petitioner was in custody since 26.06.2023 and only 02 of the 13 prosecution witnesses had been examined so far.

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, he is in custody since 26.06.2023 and only 02 of the 13 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. As such, 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-Lovepreet Singh @ Labha 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.

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8. The petitioner shall appear on the first Monday of every month before the local police station till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime other than the case(s) referred to in the reply dated 14.02.2024.

9. In addition, the petitioner (or anybody on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 14, 2024
sukhpreet

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