

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

CRM-M No.51255 of 2023 (O&M)

Date of decision : 10.01.2024

Avtar Singh @ Ghugh @ Amarjit Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

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

Mr. J.S.Arora, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.82 dated 10.08.2022, registered for the offences punishable under Sections 379-B/201 IPC at Police Station Qadian, Batala District Batala.

2 As per the contents of FIR, it has been alleged as under :-

“Statement of Joginder Singh son of Kapur Singh r/o Bahadurpur Rajoa PS Shri Hargobindpur aged about 60 years stated that I am resident of above mentioned address and I have the business of Dairy and I have dairy at Urmir Tanda, today I had come to Batala for my personal work on my motorcycle PB 08 BJ 7417 and I had Rs 50,000 in my right pocket of my Kurta which was put in the envelop, when I was coming back from Batala, it was about 6 PM, when I reached near the bus stand of Kotla Musa then a clean shaven person came in a motorcycle and he put his motorcycle adjacent to my motorcycle and pulled the right pocket of my kurta in which Rs 50,000 was there and ran away toward Qadian side hurriedly, I chased him to some distance but he speed away his motorcycle and ran away and did not visible to me, till now I

searched at my own level but could not found him, now I was coming to you for given the information you met me action be taken.”

3 Custody certificate has been filed. The same is taken on record.

4 Learned counsel for the petitioner submits that the petitioner is behind bars since 01.11.2022. Not only the challan stands presented rather the material witnesses including the complainant stands examined.

5 Learned State counsel on instructions from ASI Satnam Singh is not in a position to dispute the aforementioned factual assertions based on record. He, however, submits that the petitioner is involved in 10 other cases of similar nature. The Courts below have also non-suited the petitioner on that ground only.

6 Faced with this situation counsel for the petitioner relies upon ***Prabhakar Tewari Vs. State of UP and Anr., 2020 (1) RCR (Criminal) 831*** to submit that the involvement of the petitioner in other cases cannot be a ground to deny bail.

7 Considering the rival contentions and after going through records of the case, this Court finds that it is not in dispute that the trial has proceeded considerably and the complainant also stands examined thus there cannot be any apprehension that the petitioner would tamper with the evidence. The custody of the petitioner which is by now more than 1 year, 1 month and 24 days cannot be prolonged as a punitive measure.

8 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is

allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

9 Needless to say anything recorded herein shall not be construed as an expression of opinion on the merits of the case.

10.01.2024
Pooja sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No