

CRM-M-55319-2023 (O & M)
(235)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-55319-2023 (O & M)
Date of decision: 05.02.2024

Bhupinder Singh @ Jyoti

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Lakshay Bector, Advocate, for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in FIR No.122 dated 25.08.2023 under Sections 379-B, 34 IPC and Section 411 IPC (added later on) registered at Police Station Focal Point, District Ludhiana.

2. The present FIR came to be registered at the instance of Deepak Singh who stated that while he was walking towards home, two boys sitting on a motor cycle bearing No.PB-91-S-4290 came to the spot. One boy was wearing a turban and the other boy was with short hair. The turbaned boy showed him a knife and snatched his mobile phone. Thereafter, they fled away from the spot. On his own enquiry, it came to the light that the name

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of the motor cycle rider was Bhupinder Singh @ Jyoti (petitioner) and the other person sitting behind was Sharanjit Singh @ Soni.

3. During the course of investigation, the petitioner was arrested on 25.08.2023 and got recovered the mobile phone. Section 411 IPC was added in this case. The petitioner was also identified by the complainant.

4. The learned counsel for the petitioner had been falsely implicated in the present case. The recovery had been planted upon the petitioner. There is an inordinate and unexplained delay of two days in the registration of the case. As the petitioner was a first-time offender, in custody since 25.08.2023 and none of the 11 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded any time soon. Therefore, he was entitled to the concession of bail.

5. The learned counsel for the State, on the other hand, contends that a the petitioner was duly named in the FIR. Pursuant to his arrest, recovery of the mobile phone came to be effected from him. Therefore, the petitioner was not entitled to the concession of bail. He, however, concedes that the petitioner was s a first-time offender, in custody since 25.08.2023 and none of the 11 prosecution witnesses had been examined so far.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated during the course of the Trial. Admittedly, the petitioner is a first-time offender, is in custody since 25.08.2023 and none of the 11 prosecution witnesses have been examined so far. Therefore, the Trial in the present case is not likely to be concluded

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anytime soon. In this situation, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Bhupinder Singh @ Jyoti is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case/crime other than the present one.

10. In addition, the petitioner (or anyone 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.

11. The present petition stands disposed of.

February 05, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No