

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-58982-2023
Date of decision: 18.03.2024

RASHPAL SINGH @ JASPAL SINGH PETITIONER

VERSUS

STATE OF PUNJAB RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Malkiat S. Hundal, Advocate for the petitioner.

 Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

1. By way of present petition filed under Section 439 Cr.P.C, the petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
02	05.01.2022	379-B(2), 201, 120-B, 216 of IPC and Section 25 of Arms Act.	Sadar Patti, Tarn Taran.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is innocent and has been falsely implicated in this case on the basis of disclosure statement allegedly made by the petitioner and other co-accused, however, no recovery was effected from the petitioner after his arrest in this case on 18.02.2022. He submits that the challan has already been presented in Court and the petitioner is on bail in other cases. As such, he prayed for grant of bail to the petitioner.

3. Per contra, learned State counsel opposed the bail application by arguing that the petitioner is a habitual offender and does not deserve concession of bail. He referred to the custody certificate dated

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27.02.2024 to say that there are 10 other cases registered against the petitioner, and hence prayed for dismissal of the bail application.

4. After hearing the respective submissions and perusing the record, it transpires that the allegations levelled in the FIR are that the petitioner along with co-accused has snatched Rs.50,945/- along with one tablet and mobiles from the complainant and his friend. After his arrest in this case, no recovery has been effected from the petitioner. He is in custody since 18.02.2022. Challan has already been presented in the Court. The conclusion of trial, to ascertain criminal liability of the petitioner, will take sufficient long time and no purpose will be served by detaining the petitioner in custody any more.

5. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.03.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |