

227/2

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

Date of decision:24.04.2024

(i) CRM-M-62636-2023

Joginder Kumar

...Petitioner

VS.

State of Punjab

...Respondent

(ii) CRM-M-16394-2024

Jagpreet Singh @ Jaggi

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Naveen Batra, Advocate
for the petitioner in CRM-M-62636-2023.

Mr. Sandeep Kumar Passi, Advocate
for the petitioner in CRM-M-16394-2024.

Mr. Deepender Singh, Additional Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. This order shall dispose of two bail petitions i.e. CRM-M-62636-2023 titled as “Joginder Kumar Vs. State of Punjab” and CRM-M-16394-2024 titled as “Jagpreet Singh @ Jaggi Vs. State of Punjab”, whereby, the petitioners have prayed for grant of regular bail in case FIR No.100, dated 17.08.2023 under Sections 392, 454, 380, 506, 342, 411, 148, 149, 34 of IPC and 25 of Arms Act, registered at Police Station Sri Anandpur Sahib, District Rupnagar.

2. Learned counsel for the petitioners contend that the FIR was initially registered against unknown persons and even during the course of

investigation, no evidence could be collected to connect the petitioners with the alleged crime. The recovery of a motorcycle has been wrongly shown from Joginder Kumar, whereas, the recovery of certain jewelry and fire arms have been planted on Jagpreet Singh @ Jaggi. Learned counsel for the petitioners further contend that Joginder Kumar was arrested on 21.08.2023 whereas, Jagpreet Singh @ Jaggi was arrested on 20.08.2023 and are in custody for the last about 08 months. Learned counsel further placed reliance on the order dated 02.11.2023 (Annexure P-3) passed by this Court, whereby, Gurnoor Sidhu, co-accused has been granted the concession of bail by this Court. Apart from that, another co-accused Gurwinder Singh has also been granted the concession of bail by this Court. Learned counsel further contend that in the present case, the final report under Section 173 Cr.P.C. has already been presented against the petitioners and no prosecution witness has been examined so far. Learned counsel appearing on behalf of both the petitioners submit that the petitioners shall not enter the jurisdiction of District Rupnagar (Punjab) till the conclusion of the prosecution evidence except on the dates, when the matter is listed for prosecution evidence. Even on the said date, they shall return to their respective homes, immediately after the court hearing and shall only visit District Court at Rupnagar.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that Joginder Kumar is facing one more criminal case under Sections 376, 506 at Karnal, whereas, Jagpreet Singh @ Jaggi is also facing one more criminal case and they were hardened criminals.

4. I have heard the learned counsel for the parties and perused the record with their able assistance.

5. The petitioners were arrested in the present case on 21.08.2023 and 20.08.2023 respectively and the challan has already been presented against them. It is also admitted that no prosecution witness has been examined so far and the conclusion of the trial may take quite a long time. Apart from that, co-accused Gurnoor Sidhu and Gurwinder Singh have already been granted the concession of bail by this Court.

6. Without commenting on the merits of the case, both the petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them to disclose such facts to the Court or to any other authority.

(ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioners shall surrender their passport, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.

(v) The petitioners shall also file their affidavit before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of

residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioners involve in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioners shall file an affidavit before the concerned Court that they shall not enter the jurisdiction of District Rupnagar (Punjab) till the conclusion of the prosecution evidence except on the dates, when the matter is listed for prosecution evidence before the District Court, Rupnagar and immediately after the court hearing, they shall go back to their respective homes and shall not visit any other place in Rupnagar.

24.04.2024.
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(N.S.SHEKHAWAT)
JUDGE

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