



CRM-M-14972-2024

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(274)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14972-2024

Date of Decision: 27.02.2025

BABLOO @ BABLU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., 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.0087 dated 02.04.2023 (Annexure P-1) registered under Sections 379-B (2), 34 IPC, 1860 (Sections 473, 411, 201 IPC added later on) at Police Station Sahnewal, District Ludhiana.

2. The brief facts of the case are that on 02.04.2023, the Police Party headed by SI Rajwant Singh, Incharge, Police Post Kanganwal, PS. Sahnewal, Ludhiana was present on the G.T. Road near the Railway Station Dhandari Kalan in connection with patrolling. He received secret information that Jagdev Singh S/o Puran Singh and Barjesh S/o Lalan were habitual of committing offences of snatching and theft. They were in the process of committing the offences in question on that day as well by putting people in fear by showing a weapon. They had gone on a motorcycle bearing No.PB-

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10FK-7734 towards the Sahnewal side and if a Nakabandi was set up, they could be apprehended with the weapon, stolen motorcycle and other stolen articles. Based on the aforementioned statement, the FIR came to be registered.

A Nakabandi was set and when the motorcycle No.PB-10FK-7734 was seen coming it was stopped. The driver of the motorcycle disclosed his name as Jagdev Singh and the person sitting at the back as Barjesh. They had tied a Gandasi with a handle on the motorcycle whereas Barjesh himself was armed with an iron Dah. The Gandasi, Dah and the motorcycle were taken into possession.

Jagdev Singh disclosed that he had been in possession of three motorcycles and one Activa scooter. One motorcycle and one Activa scooter, he had sold to Manpreet Singh @ Manna S/o Harjinder Singh whereas two motorcycles were concealed in his house. Jagdev Singh got recovered 2 motorcycles from his house.

Barjesh disclosed that he had stolen four motorcycles and one Activa scooter. Out of these vehicles three motorcycles had been sold to Babloo @ Bablu (petitioner) son of Raj Kumar and one motorcycle and one Activa scooter had been concealed in his hut both of which he could get recovered.

Thereafter, on 02.04.2023 one scooter Vespa No.PB-10-EF-2805 and motorcycle No.PB-08-FL-3264 were got recovered by co-accused Barjesh from his hut.

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Jagdev Singh also got recovered two motorcycles from his house.

Based on the disclosure statements of the co-accused, Manpreet Singh @ Manna and Bablu were nominated as accused.

On 02.04.2023, an Activa scooter No.PB-10-HM-7928 was recovered from Manpreet Singh @ Manna.

On 02.04.2023 on the basis of a Nakabandi, a motorcycle bearing No.PB-10-ER-6163 was stopped and the driver disclosed his name as Babloo @ Bablu. He could not produce any documents showing ownership of the motorcycle and therefore, he was arrested and the motorcycle was taken into possession. Two other motorcycles without numbers were recovered from him.

After the conclusion of the investigation, the report under Section 173 Cr.P.C. was presented.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He was not named in the FIR. As he was in custody since the last 01 year and 11 months (approximately) but only 06 of the 16 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.

4. On the other hand, the learned State counsel while referring to the reply dated 14.10.2024 contends that the petitioner is a habitual offender with one other case bearing FIR No.116 dated 05.06.2020 U/s 399/402 IPC P.S Sahnewal registered against him. Pursuant to the arrest of the petitioner,

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three stolen motorcycles were recovered from his possession. Therefore, he was not entitled to the concession as prayed for. He, however, concedes that the petitioner was in custody since the last 01 year and 11 months (approximately) and only 06 of the 16 prosecution witnesses had been examined so far.

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

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, the petitioner is in custody since the last 01 year and 11 months (approximately) but only 06 of the 16 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, 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-Babloo @ Bablu S/o Raj Kumar 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.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

27.02.2025

JITESH

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