

HIGH COURT OF PUNJAB AND HARYANA
Bench: Hon'ble Mr. Justice Pankaj Jain
Date of Decision: 20th November 2023

CRM-M-56958-2023

JAGSIR SINGH @ JAGGA ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

Legislation:

Sections 379-B, 420, 383, 411, 120-B of the Indian Penal Code (IPC)
Sections 25 and 27 of the Arms Act

Subject: Petition for regular bail in a case involving allegations of snatching, cheating, extortion, and possession of arms. Comparison with co-accused Sikander Singh alias Sikanderi, who was granted bail under similar circumstances.

Headnotes:

Bail Application – Regular bail granted to Jagsir Singh @ Jagga in FIR No. 101 dated 21.08.2023 registered for offences under IPC Sections 379-B, 420, 383, 411, 120-B and Arms Act Sections 25, 27 at Police Station Nihal Singh Wala, District Moga. Reliance on co-accused Sikander Singh alias Sikanderi's bail, the principle of parity applied. [Para 7]

Circumstances of Offence – Allegations involve using a woman as bait for extortion. Petitioner's connection to the crime questioned due to delayed victim statements. Investigation concluded and challan presented. [Paras 2-3]

Opposition by State – State's opposition to bail due to the petitioner's involvement in multiple other cases, including under Sections 384 and 307 of the IPC. [Para 4]

Legal Precedents – Reference to 'Prabhakar Tewari vs. State of UP and another', 2020 (1) RCR (Criminal) 831, and 'Maulana Mohd. Amir Rashadi vs. State of UP (SC)', (2012) 2 SCC 382, emphasizing that multiple cases against an individual are not grounds to deny bail. [Paras 5, 7]

Decision – Petitioner granted bail considering the duration of incarceration and parity with co-accused. Bail terms to be satisfied as per the Trial Court/Duty Magistrate. [Para 7]

Referred Cases:

- Prabhakar Tewari vs. State of UP and another, 2020 (1) RCR (Criminal) 831
- Maulana Mohd. Amir Rashadi vs. State of UP (SC), (2012) 2 SCC 382

Representing Advocates:

Mr. Harpreet Maini, Advocate for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab with ASI Lakhwinder Singh.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.101 dated 21.08.2023 registered for the offences punishable under Sections 379-B, 420, 383, 411, 120-B of IPC and Sections 25 and 27 of Arms Act, at Police Station Nihal Singh Wala, District Moga.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Reliance is being placed upon order dated 14th of November,2023 passed in CRM-M No.55733 of 2023 whereby co-accused namely Sikander Singh alias Sikanderi stands admitted to bail observing as under :

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.101 dated 21.08.2023 registered for the offences punishable under Sections 379-B, 420, 383, 411, 120-B of the IPC and Sections 25 and 27 of Arms Act, 1959, Police Station Nihal Singh Wala District Moga.

2. FIR came into being on the secret information received by ASI and it was stated as under :

“xxxthat Paramjit Singh @ Pamma son Mahinder Singh, Jagsir Singh @ Jagga son of Karnail Singh, Kewal Singh son of Nahar Singh, Sikander Singh @ Sikanderi son of Budh Singh, Satkartar Singh @ Yunus son of Unknown and Hanip Singh son of Unknown residents of Rureke Kalan District Barnala and two young unknown persons and Sukhwinder Kaur @ Sukhi wife of Surjeet Singh residents of Takhar Kalan District Malerkotla in a car make Alto of Blue color and motorcycle used to commit snatching with innocent persons forcibly with intention to cheat them by threatening them and by blackmailing them and by using a women in the commission of their said crime after taking advantage of the dark. Today also the said persons are roaming in the area. If barricading be conducted in a secret manner then the said persons can be apprehended. As the information being credible and reliable, on which the act of said persons by doing such fulfils

the ingredients of commission of offence under section 379B, 420, 383 IPC 1860. On which ruga is being sent to PS by hand PHG Kuldeep Ram 23282 for the registration of case.xxx”

3. As per the prosecution statements of two victims namely Surinderpal Singh son of Jaagar Singh recorded on 24th of August, 2023 and of another victim namely Daljit Singh son of Baldev Singh recorded on 25th of August, 2023 wherein it was disclosed as to how by using the co-accused lady as bait the victims were being put to extortion. Mr. Sekhon appearing for the petitioner submits that there is nothing to connect the petitioner with the alleged offences as disclosed by the victims who kept mum for more than 1 month/15 days and thus, the case projected by the prosecution is highly unbelievable. He further submits that the investigation already stands concluded and challan stands presented and the custody of the petitioner cannot be prolonged as a punitive measure.

4. Ld. State Counsel however opposes the bail plea and submits that the petitioner is facing four more cases apart from the present case i.e. three cases for offence punishable under Section 384 IPC and one under Section 307 IPC.

5. Faced with the situation counsel for the petitioner relies upon '**Prabhakar Tewari vs. State of UP and another**', **2020 (1) RCR (Criminal) 831** to submit that the involvement of the petitioner in several more cases cannot be a ground to deny bail. Further reliance has been placed upon '**Maulana Mohd. Amir Rashadi vs. State of UP (SC)**', **(2012) 2 SCC 382**.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.”

4. Ld. State Counsel though does not deny the fact that the petitioner *qua* allegations levelled in the present FIR would be similarly situated as was

Sikander Singh alias Sikanderi but submits that the petitioner is a habitual offender and has five more cases registered against him.

5. Counsel for the petitioner submits that even Sikander Singh alias Sikanderi was having more than four cases and he was granted indulgence by relying upon the law laid down in **Prabhakar Tewari vs. State of UP and another, 2020 (1) RCR (Criminal) 831** and '**Maulana Mohd. Amir Rashadi vs. State of UP (SC)**', (2012) 2 SCC 382. He further submits that the petitioner is in custody for more than 2 months and 26 days.

6. I have heard counsel for the parties and have gone through records of the case.

7. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and granting parity, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

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