

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57138-2024
Reserved on: 13.02.2025
Pronounced on: 20.02.2025

Rajan Kumar Yadav @ Raju ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Navinder Jit Singh Dandiwal, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
207	20.09.2019	Focal Point, District Ludhiana	342, 397, 411, 450, 452, 148, 149 IPC and Section 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. As per Annexure P-4 annexed with the bail petition, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	210	12.09.2013	399, 402 IPC	Moti Nagar
2.	186	23.08.2019	457, 380, 411 IPC	Focal Point Ludhiana
3.	202	28.11.2020	457, 380 IPC	Focal Point Ludhiana
4.	203	29.11.2020	457, 380, 411 IPC	Focal Point Ludhiana
5.	225	20.12.2020	457, 380, 411 IPC	Focal Point Ludhiana
6.	105	11.05.2024	379-B (2), 411 IPC	Focal Point Ludhiana

3. The facts of the case are being taken from translated copy of FIR, which is annexed with the petition as Annexure P-1, which reads as follows:

“SHO Police Station Focal Point District Ludhiana "Jai Hind" Today I, ASI along with ASI Amarjit Singh No:2149/Ldh, ASI Ranjit Singh No: 1455/ Ldh, ASI Balwinder Singh No: 293/ Ldh, HC Pritpal Singh No:1157/ Ldh, HC Amarjit Singh No: 426/ Ldh, HC Ashok Kumar No: 1276/ Ldh., HC Balkar Singh 3400/ Ldh no., PHG Gurmeet Singh No: 285/ Ldh, CT. Prabhajit

Singh No:3792/ Ldh, CT. Satinderpal Singh No. 29485 including private laptop and printer in the government vehicle Balero No. PB10-GK-0572 of which Driver HC Jasveer Singh No: 1714/ Ldh were present at Jeevan Nagar Chowk focal point on private vehicle for patrolling and checking of suspicious persons then special messenger came to me and told in separation that Ranjan Kumar alias Chottu Son Nagina Roy resident of Saravan Colony Ramgarh Ludhiana, Yakir Hussain son of Mujahil Hussain resident of Krishna Vihar Street No. 1 Tibba Road Ludhiana, Rajesh Kumar son of Ram Chandra Street No: 2 Amardas Colony Gyaspora Ludhiana, Shah Rukh resident of Tibba Road Gulabi Bagh Ludhiana, Chandrama Yadav son of Daddi Yadav resident of Village Nidoya Kishanpura Police Station Bhaji Nagar District Gopalganj Bihar, Santosh alias Ganja resident of Focal Point Ludhiana, Naxi resident of Kuhara, Saravan Kumar resident of Amardas Colony Backside Jain Colony Daba Road Giaspur. Rajan resident of Bihar, Deepak @ Mota resident of Pipal Chowk 100 Feet Road Giaspora Ludhiana have formed a gang to commit theft and robbery in connivance with each other. Earlier cases of theft and robbery are registered against them. They have committed many incidents in different areas of the city and use to enter in the factories, held the workers captive at pistol point beat them, locked them in the room, looted nickel, brass and aluminium, and they sell the Stolen goods to Kulwinder Singh alias Kala S/o Tari Ram resident of village Paglia Bajigar Colony Chandigarh Road Ludhiana and Raman Kumar son of Gulshan Kumar resident of House No. 10, Street No. 9 Himmat Singh Nagar Ludhiana. Ranjan Kumar alias Chhotu, Yakir Hussain, Rajesh Kumar and Sahrukh Shafi by ridding on the Maruti car Colour blue No. PB-10X-3955 are coming from Sherpur side and going to sell the looted goods. They have to go towards Kulwinder Singh alias Kala Kwaria to Chandigarh road side by passing through Yard Chowk focal point. If a Naka is installed at Yard Chowk focal point now, then all four may be caught along with the looted goods and Maruti car. The information is firm and reliable. By doing so an offense under Sections 342, 397, 450, 452, 148, 149 IPC, 25/54/59 has been committed. Ruqa is sent CT, Satinderpal Singh No: 3400/Ludhiana by getting typed and printed out from printer, is sent to the police station through PHG Gurmeet Singh 29485. The case should be registered and informed about the case number. I ASI along with fellow employees going to Install naka at the yard chowk focal point.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family. He further submits that petitioner was granted bail vide order dated 19.03.2021 but due to custody in other cases, he was released on bail on 20.11.2023. Petitioner met with an accident and he could not appear in the Court on 20.12.2023 and ultimately he was declared proclaimed offender on 16.03.2024.

5. The State's counsel opposes bail.

REASONING:

6. Petitioner was granted bail vide order dated 19.03.2021 but due to custody in other cases, he was released on bail on 20.11.2023. Petitioner met with an accident and he was not present in the Court on 20.12.2023 and ultimately he was declared proclaimed offender on 16.03.2024.

7. The petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day.

8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

CONDITIONS:

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or	

	considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms.
13. The petitioner shall attend the Trial on every date and shall not seek any adjournment.
14. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.
15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.
17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.02.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.