

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

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CRM-M No.23416 of 2020

DATE OF DECISION : 24th AUGUST, 2020

Ranjit Singh & another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Prateek Pandi, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioners under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.152 dated 23.09.2019 registered under Sections 379-B, 307, 115, 109 & 120-B IPC and Section 25 of the Arms Act (offences under Sections 307, 115, 109 & 120-B IPC and Section 25 of the Arms Act, were added later on) at Police Station Kartarpur, District Jalandhar (Rural).

It is contended by the counsel for the petitioners that the case against the petitioners is totally concocted. The police have created the present case against the petitioners only to show as solved an otherwise unsolved case registered earlier under Section 307 IPC. The same earlier incident has been invoked by police in the present case as well, to create a second FIR under Section 307 IPC. Even as per the prosecution, the allegation of snatching of ₹3.5 lacs from the complainant is against one Sukhwinder Singh. An amount of ₹3.25 lacs is alleged to have been recovered from him; as well. Although a false recovery of

₹24,500, has been fabricated against petitioner No.1, however, there is not even any recovery from petitioner No.2. Still further it is submitted that the petitioners are in custody since 29.09.2019. The petitioners are already on bail in above said another case registered under Section 307 IPC. There is no other case against the petitioners qua snatching or theft. The challan has already been filed in this case. Hence, the petitioners are not required for any investigation purposes.

Notice of motion.

Mr. Pawan Sharda, Sr. DAG, Punjab, accepts notice on behalf of the State.

The learned counsel for the State, on instructions, submits that the petitioners are habitual offenders. There is another case against the petitioners under Section 307 IPC. In the present case also the recovery has been effected from petitioner No.1. However, it is not disputed that in the above said another case under Section 307 IPC the petitioners are on bail and that there is no other case against the petitioners qua any snatching or theft. It is also not disputed that the petitioners are in custody since 29.09.2019 and that the challan has already been filed.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioners are ordered to be released on bail pending trial subject to their furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

24th AUGUST, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No