

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

**CRM-M-41567-2020
Decided on: 16.02.2021**

MOHIT SHARMA

.....Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Sunny K. Singla, Advocate
for the petitioner,

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J (ORAL)

The case has been taken up through Video Conferencing.

This petition for regular bail has been filed by petitioner Mohit Sharma, aged about 28 years son of Naresh Kumar, resident of House No. 1338, Street No. 1/2, Ward No.9, Vishkarma Nagar, Tajpur Road, Ludhiana an accused in F.I.R. No. 257 dated 09.10.2020 registered with Police Station Division 6, District Police Commissionerate Ludhiana for offences under Sections 394, and 120-B IPC, 1860 & 25, 54 Arms Act, 1959.

Briefly stated the facts of the case as per prosecution story are that on 09.10.2020 complainant-Sandeep Jain who is working as Manager at Rattan Fabrics 707, Industrial Area-A Ludhiana at about 6.00 P.M while driving his scooty Make Maestro bearing No. PB-10-FZ-8390 had reached opposite ATI College Gill Road. He was having an amount of ₹ 3,42,000/- placed in a bag in the dickey of scooty. In the meanwhile, a Verna Car of white colour came from backside and hit his scooty Maestro

and he fell down towards left side alongwith his scooty, and three clean shaven persons came out from the said car. Two of them were armed with *datars* and one of them was having a pistol type arm in his hand. The person who were armed with *datars* gave blow to him and injured him and one of them snatched his scooty and ran towards Gill Chowk and the remaining persons also fled away in their car. Complainant informed his employer telephonically about the said incident. The complainant, who was injured was taken to ESI hospital, Ludhiana. On the basis of his statement, an FIR was recorded and the investigation in the case started. On 10.10.2020 the scooty snatched by the accused was recovered. On 18.10.2020 a supplementary statement of the complainant was also recorded, who disclosed the name of accused as Gurpreet Singh @ Gopi working as cashier in Jindal Textile Firm and his co-accused as Shubham Gopi, Sanjeev Kumar @ Sanju Baman, Mohit Sharma and Toti. On the basis of his supplementary statement, the offence under Section 120-B was also added lateron. Such accused were arrested in this case on 19.10.2020 and an amount of ₹ 1,40,000/- out of the snatched amount along with car used in the instant crime were recovered from the accused.

Petitioner/accused had approached the Court of Sessions at Ludhiana seeking regular bail. His such application was assigned to Additional Sessions Judge, (Fast Track Special Court) Ludhiana, who vide order dated 18.11.2020 dismissed the same, as such he has approached this Court craving for grant of similar relief by filing the present petition, which is being opposed by the learned State counsel. Learned counsel for the petitioner states that the petitioner is not named in the FIR and no

specific role has been attributed to him. The petitioner does not have any past criminal record and the trial of the case will take considerable time. The *challan* in this case is said to have been filed and the next date of hearing is stated to be 24.02.2021 for the purpose of framing of charge. Learned State counsel has opposed the petition.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

As per custody certificate filed by the State counsel today which be taken on record, the petitioner is stated to have been in custody for about 04 months. Though the *challan* had been filed in this case but the trial is yet to begin and its conclusion is likely to take considerable time. Since the petitioner is having no other criminal record he can be granted concession of regular bail.

Thus without going into the merits of the case, I find that further detention of the petitioner is not going to serve any fruitful purpose, therefore, the petition deserves to be accepted and it is hereby allowed. Petitioner Mohit Sharma is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Ludhiana subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the

Court and shall surrender his Passport, if he has got one,
otherwise to furnish affidavit in that regard.

(iv) he shall not indulge in any criminal activity.

(v) he shall join the investigation as and when directed by the
Investigating Officer.

(vi) he shall got his presence marked in the local police station
on every Saturday of the week between 11.00 A.M. to 2.00
P.M. so that an eye can be kept on his movements and he is
deterred from indulging in any criminal activity.

In case the petitioner violates any term and condition on which
the bail has been granted to him, the prosecution would be entitled to apply
for cancellation of bail.

The guilt of the accused shall be determined during the trial.

(H.S. MADAAN)
JUDGE

16.02.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No