

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

Sr. No.221

**CRM-M-13238-2022
Date of decision: 10.08.2022**

Gurvinder Singh @ ShubhamPetitioner

Versus

State of Punjab ...Respondent

CRM-M-14401-2022

Noorjit Singh @ NoorPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Vipul Babuta, Advocate
for the petitioner in CRM-M-13238-2022.

Mr. Prateek Pandit, Advocate
for the petitioner in CRM-M-14401-2022.

Ms. Amarjeet Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

1. Present two criminal miscellaneous petitions bearing CRM-M-13238-2022 and CRM-M-14401-2022 shall be disposed of by a common order as the same have been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioners in the same FIR bearing No.0019 dated 22.01.2022 registered under Sections 379-B, 34 of the Indian Penal Code, 1860

(hereinafter referred to as 'IPC') (Sections 411 and 473 IPC were added later on) at Police Station Division No.5, Ludhiana.

2. The above noted FIR, which was got registered on the statement of complainant Naman Garg who alleged that on 21.01.2022 at about 9.00 PM, he alongwith his friend Kush Verma went for work on his Swift Dzire car bearing no.PB-10GL-8492 and thereafter they stopped near Zone-D, Sarabha Nagar, near Drawing Room Restaurant, in front of Glow Medispa and were eating while sitting in the car by ordering the same through Swiggy. It was alleged that at about 10.40 PM, three persons came on foot near their car and one of them was Sikh. It was alleged that one of them pointed a knife towards them and asked them to come out of the car, whereupon they came out of the car. It was alleged that they snatched his mobile phone and purse containing Rs.1500/- and also snatched the purse of his friend containing Rs.2500/- and thereafter fled away after snatching the car.

3. Learned counsel for the petitioners *inter alia* contends that the petitioners have been in custody since 31.01.2022 and that the recovery has already been effected. Upon completion of investigation, the final report has been filed. No prosecution witness has been examined so far even though as many as 16 witnesses are cited by the prosecution. It is also contended that the petitioners are of young age and in their early 20's and that their further custodial interrogation is not likely to advance any interest of justice.

4. *Per contra* learned counsel appearing on behalf of the State contends that the petitioners are habitual offenders and that while petitioner Gurvinder Singh @ Shubham (in CRM-M-13238-2022) is

involved in another similar case, petitioner Noorjit Singh @ Noor (in CRM-M-14401-2022) is involved in a case registered under the NDPS Act. She however, does not dispute the fact that the petitioners have already undergone an actual custody of nearly 07 months in the present case and that the trial has not commenced so far.

5. Controverting the aforesaid submissions, learned counsel appearing on behalf of the petitioners contend that the petitioners are already on bail in the said cases. They further undertake to abide by the all the conditions as may be so imposed by the Court.

6. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

7. Without examining the merits of the instant case and taking into consideration, the period of custody, the stage of trial, antecedents of the petitioners, I deem it appropriate to enlarge the petitioners on bail to the satisfaction of the trial Court.

8. The instant petitions are allowed and the petitioners are ordered to be released on bail on their furnishing requisite bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

9. It is made clear that the petitioners shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petitions bearing No. CRM-M-13238-2022 and CRM-14401-2022 are allowed.

10th August, 2022

Shivani Kaushik

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No