

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-19454-2022 (O&M)

Date of Decision:- 16.5.2022

Rajan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Gupta, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by HC Gurmail Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.186, dated 11.8.2021, Police Station Kotkapura, District Faridkot, under Section 397 IPC.
2. The FIR in question was lodged at the instance of Avtar Singh wherein it is alleged that when on the intervening night of 8/9.8.2021, he was proceeding to his house on his motorcycle, then one black coloured Alto car halted in front of his motorcycle, and from which 4 young persons alighted while another remained sitting inside. The said persons were carrying baseball bats, kappa, sticks etc. and they snatched a bag of the complainant in which there was an amount of Rs.6000/- apart from other documents like registration

certificate, PAN card, ATM card etc. When the complainant tried to resist the assailants, one of the assailants inflicted a blow with baseball bat on the left arm of the complainant as a result of which he sustained a compound fracture. Another assailant is alleged to have given a stick blow hitting the shoulder of the complainant. It is alleged that although at the time of occurrence the complainant did not know about the names of the assailants, but later by the time of lodging of the FIR, he got to know that the assailants were Dilpreet Singh @ Mahanti, Rajan, Seepa, Babba and Komal.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that while the occurrence is stated to have taken place on 9.8.2021, the FIR came to be lodged on 11.8.2021. Learned counsel has further submitted that in any case since the petitioner has been behind bars for the last about 8 months, his further detention will not serve any useful purpose.
4. On the other hand, learned State counsel has submitted that since the petitioner is named in the FIR and all the assailants are alleged to have caused injuries to the complainant and had snatched his valuables, the complicity of the petitioner is clearly evident. Learned State counsel has further informed that since the petitioner happens to be involved in five more cases, it is evident that the petitioner is a seasoned criminal and as such he does not deserve the concession of bail. Learned State counsel has however, not disputed that the petitioner has been behind bars since the last about 8 months. The

learned State counsel has informed that in the present case charges are yet to be framed and as many as 16 PWs have been cited.

5. I have considered rival submissions addressed before this Court.
6. Though the petitioner is stated to be involved in 5 other cases, but upon perusal of the particulars of the said FIRs as mentioned in the custody certificate, this Court finds that all these cases have been lodged within a week or 10 days necessarily indicating that the petitioner had not been arrested at the spot in the said cases, raising a doubt regarding the authenticity of the allegations.
7. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars for a substantial period of 8 months and that conclusion of trial is likely to consume time since the trial has not commenced till day and as many as 16 PWs have to be examined, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. It is however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

16.5.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No