

CRM-M-28498-2022

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

**CRM-M-28498-2022 .
Decided on: August 6, 2022.**

Raman Kumar

.. Petitioner

VERSUS

State of Punjab

.. Respondent

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

**PRESENT Ms. Riffi Birla, Advocate,
for the petitioner.**

Ms. Amarjit Kaur Khurana, DAG, Punjab.

**Mr. Arjun Veer Sharma, Advocate,
for the complainant.**

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner in case FIR No.36 dated 21.04.2022, registered under Sections 379-B and 341 of the Indian Penal Code, at Police Station Khui Khera, District Fazilka.

2 This FIR was registered initially against four unknown persons at the instance of complainant Jagjot Singh @ Jotu with the

allegations that on 20.04.2022 while he was traveling alongwith his friend Baljit Singh followed by his father Jaswinder Singh on a motorcycle bearing registration No. PB-61D-5370, in the area of village Nihal Khera those four unknown persons assaulted them, snatched their motorcycle, Indian currency notes of Rs.2500/- and Mobile phone VIVO Y-30 of his friend Baljit Singh. During the course of investigation, complainant Jagjot Singh @ Jotu suffered supplementary statement on 04.05.2022 and nominated the present petitioner as accused alongwith co-accused Des Singh son of Jeet Singh and Neelu Singh as three of those four assailants. On the basis of such supplementary statement, after nominating the petitioner he has been in custody since 04.05.2022.

3 Learned counsel appearing on behalf of the petitioner contends that the FIR in question was registered at the instance of the complainant against four unknown persons and that the grand-father of the complainant and the complainant had himself specifically sworn affidavits (Annexures P-2 and P-3) stating therein that the petitioner was not amongst the persons who had committed the offence. She further contends that the recovery has already been effected from the house of the co-accused person and that there is no evidence to link the petitioner with the commission of the present offence.

4 Ms. Amarjit Kaur Khurana, learned Deputy Advocate General, Punjab, appearing on behalf of the respondent – State, contends that there are three other cases of similar nature against the petitioner. However, she could not controvert the fact that no recovery had been effected at the instance of the petitioner or from the petitioner during the

time of his custodial detention. It is further not disputed that investigation is already complete and challan has been presented, however, charge has so far not been framed.

5 Learned counsel appearing on behalf of the complainant reiterates the averments contained in the affidavit and states before the Court that the petitioner was not amongst the assailants who had committed the offence.

6 Taking into consideration the period of custody undergone by the petitioner, affidavits (Annexures P-2 and P-3) sworn by the grand-father of the complainant and complainant and reiterated before this Court through their learned Advocate and also the fact that the investigation has already been concluded and no recovery was effected from the petitioner coupled with the age of the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

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

8 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.

August 6, 2022.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No