

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

CRM-M-33379-2022

Date of Decision:-24.11.2022

Gaurav Ram @ Gaurav Kumar @ Guru.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. K.B.S. Mann, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.82 dated 13.04.2022 under Sections 458, 427, 382, 506, 148, 149 IPC and Section 25 of Arms Act and Section 120-B, 201 and 395 IPC added later on registered at Police Station City Sri Muktsar Sahib, District Muktsar Sahib.

The present FIR came to be registered at the instance of Atal Kumar who stated that he was the owner of a marble shop in the name of Vansh Marble. He was using a mobile make Samsung touch screen with two Sims of JIO Company having number 92165-000103 and 88475-23623. His wife Seema Rani was using one mobile make Samsung touch screen with one Sim of JIO company bearing number 75081-85002. On 12.04.2022 at about 9.00 pm 06 unidentified persons entered his house. Two of them were armed with revolver and one with baseball bat. Two were armed with *Kappa* and one person was armed with a dangerous weapon. Upon entering his house, they (accused) made them (complainant and his wife) sit on the floor in one corner. All the accused persons had their faces muffled with cloth. While one person kept pointing a revolver at

them, five persons ransacked the cupboard. They stole Rs.25,000/- in cash, two gold rings and three mobile phones. They also scuffled with him and snatched the mobile phones belonging to him and his wife. They also damaged the CCTV cameras installed in his house. After the occurrence they left the house. Pursuant thereto he gathered courage and approached the investigating agency leading to the registration of the FIR.

The Counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR but in the supplementary statement of the complainant dated 12.04.2022. This is strange since the FIR in question is dated 13.04.2022. The *Kirch* is said to have been recovered from the Petitioner, though the recovery memo states that the same weapon has been recovered from the petitioner and his co-accused Mandeep Singh. There are certain other discrepancies in the prosecution version regarding the number of the car allegedly recovered from the petitioner. He contends that the petitioner is in custody since 23.04.2022. He is a first time offender and since none of the 19 prosecution witnesses have been examined till date, the Trial of the present case was not likely to be concluded any time soon and, therefore, the petitioner ought to be granted the concession of bail.

The Counsel for the State on the other hand contends that the petitioner and his co-accused have committed a heinous offence. They entered the house of the complainant and ransacked the same. Theft of cash, gold articles and mobile phones were also committed. The seriousness of the allegations do not entitle the petitioner to the grant of bail, though undoubtedly the petitioner is a first time offender and none of the prosecution witnesses have been examined so far.

I have heard learned Counsel for both the parties at length.

Admittedly, the petitioner is in custody since 23.04.2022. None of the 19 cited prosecution witnesses have been examined so far and the Trial of the present case is not likely to be concluded any time soon. He is a first time offender with no prior record. The veracity of the prosecution case shall be adjudicated upon during the course of the Trial. At this stage, the further incarceration of the petitioner is not required.

Thus, without commenting on the merits of the case, the petitioner-**Gaurav Ram @ Gaurav Kumar @ Guru** son of Sh. Darshan Lal is ordered to be released on bail subject to the satisfaction of learned

CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the present case.

If the petitioner or any of his family members/associates make any attempt to contract/threaten/intimidate the witnesses in the present case,the State would be at liberty to move an application for cancellation of bail granted vide this Court.

In addition, the petitioner (or any one on his behalf) shall prepare a FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 24, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>