

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

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CRM-M-34825-2022
Date of decision: 14.09.2022
....Petitioner(s)

PRINCE MEHTA @ KAKA

Versus

STATE OF PUNJAB

...Respondent(s)

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

Present : Mr. D.R. Punia, Advocate
for the petitioner.

Mr. Sanjay Sabharwal, Addl. A.G.Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.06 dated 08.01.2022 under Sections 379-B and 34 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) registered at Police Station Salam Tabri, District Ludhiana.

Briefly summarized the case of the prosecution is that on 09.01.2022, Rishi Sharma-complainant made a statement with the police to the effect that he is working in a delivery company. On 07.01.2022, after completing his work at about 4 PM, he went to his house. At about 7.30 PM, Vijay @ Banti, another employee in the company, told him that his bike has developed some defect and he should help him. Thereafter, he went there. At about 10.30 PM, after completing their work, when they were about to leave for their home, four persons with muffled faces came there. Two of them were having ‘daat’, one person had a sword and the fourth person was empty handed. The accused persons threatened to kill them and took the amount of the courier company that

was lying there and left. On the basis of this statement FIR was registered for offence under Section 379-B and 34 IPC. On 26.02.2022, Rishi Sharma came to the police and told them that today Aditya Kumar, watchman had told him that Akashdeep has confessed before him that on 07.01.2022, he alongwith Surinderpal @ Monu, Rohit, Prince Mehta, Vishal Mehta and Inder had reached at courier company. Rohit, Prince Mehta, Vishal Mehta and Inder entered inside. Rohit was having a 'daat' and Prince @ Kaka (petitioner herein) was having knife (Churi). Rohit gave daat blow to Vijay Kumar @ Banti and after giving threats got Rs.4,87,973/- from him that was lying in the locker. Akashdeep and Surinder were earlier working in the courier company and were shunted out due to complaints. Thereafter, Akashdeep, Surinderpal @ Monu, Rohit, Prince Mehta and Vishal Mehta were arrested. Motorcycle and dattar used in the crime were recovered.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been roped in the aforesaid case on the basis of an alleged extra-judicial confession claimed to have been made by the co-accused Akashdeep in front of the watchman-Aditya Kumar after a gap of 50 days of the incident. He contends that even though the petitioner was arrested on 26.02.2022, however, no recovery has been effected from the petitioner, which would reflect his participation in the aforesaid offence. It is pointed out that the petitioner has undergone nearly 6½ months of sentence. Investigation in the case is complete and final report has already been filed. Charges have been framed and the case is now fixed for prosecution evidence and as many as 17 prosecution witnesses have been cited by the prosecution. He contends that even though there are other cases registered against the petitioner, however, he has already undergone the sentence in 01 case and in the other case he has already been granted the concession of bail.

It is also submitted that mere pendency of other cases or involvement of petitioner-accused in other cases cannot be the sole basis to keep an accused confined in perpetuity. He also contends that co-accused of the petitioner who is similarly placed has been already been granted concession of regular bail vide order dated 19.07.2022 passed in CRM-M-29850-2022 titled "*Akashdeep versus State of Punjab.*"

Learned State counsel does not controvert the aforesaid averments pertaining to absence of any recovery from the petitioner and the period of actual custody undergone. He also does not dispute that the attribution to the petitioner is at par with the co-accused who has already been granted concession of bail.

I have heard learned counsel for the parties and have perused the material on record.

Taking into consideration the facts as noticed above, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

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.

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.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 14, 2022

Vishal Sharma

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*