

CRM-M-2306 of 2023

2023:PHHC:061343

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

CRM-M-2306 of 2023

Date of decision: 29.04.2023

Paras Bhatti @ Paras

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Raghav Soni, Advocate, for the petitioner.
Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J.

1. Status report by way of affidavit of Murad Jasvir Singh Gill, Assistant Commissioner of Police, Industrial Area-A, Ludhiana, filed on behalf of the respondent-State is taken on record. Copy supplied.
2. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.281 dated 09.12.2022 under Section 379-B(2) IPC, registered at Police Station Moti Nagar, Ludhiana.
3. Present FIR has been registered on the basis of secret information given by informer to the effect that petitioner-Paras Bhatti is residing at Mohalla Labour Colony, Gill road on rent and the name of owner of the house is Bunty and his friend namely Hardit Singh belongs to village Chabba, Taran Tarn. On 7/8-10-2022, after mutual consultation, he booked a taxi car number DL1ZC-2824 Dzire color white from Ludhiana Samrala Chowk Delhi Road for Delhi as on that day Gary also came to petitioner-Paras Bhatti in Ludhiana. At around 8:30 PM at Samrala Chowk,

from where the buses run to Delhi, they called for a vehicle and both of them left for Delhi. At about 11.30 pm they crossed Ambala, petitioner-Paras Bhatti and Harditt Singh alias Garry asked the driver to stop the vehicle, when the driver stopped the vehicle, both of them started beating the driver and took the car from the driver and they shifted the driver on the back seat of the car. Hardit Singh alias Gary started driving the vehicle and he turned the vehicle again towards Ludhiana side, when the vehicle reached near Rajpura, there was a jam somewhere. When the vehicle was slow in speed, then the driver jumped from the vehicle and both of them came to Ludhiana with the vehicle and both of them took the vehicle to Amritsar to sell it but the vehicle was not sold. After about two days, petitioner-Paras Bhatti and Harditt Singh alias Gary parked the said vehicle in front of the railway station near JMD Mall, Jagraon Bridge.

4. Learned counsel for the petitioner contended that the petitioner is innocent and has been falsely implicated in the present case. He further submitted that the alleged incident took place on 7/8.10.2022, whereas the present FIR was registered on 09.12.2022 on the basis of secret information i.e. after a gap of two months. He further submitted that the driver of the car has never approached the police regarding the alleged incident. He further submitted that no recovery had been effected from the petitioner. He further submitted that petitioner is in custody since 09.12.2022. Learned counsel further submitted that investigation in the present case is complete; challan has been presented; charges are yet to be framed and trial may take a considerable time to conclude. He further submitted that petitioner is involved in two other cases in which he is on bail. Therefore, no fruitful

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purpose would be served by detaining the petitioner behind bars.

5. *Per contra*, learned State counsel while placing on record the custody certificate has opposed the prayer for grant of regular bail to the petitioner. However, he could not dispute that investigation in the present case is complete; challan has been presented; charges are yet to be framed; trial may take a considerable time to conclude and in other two cases petitioner is on bail.

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

7. Keeping in view the facts and circumstances of the case as well as the custody of the petitioner, which is 04 months 17 days; investigation is complete; challan has been presented; charges are yet to be framed; no recovery has been effected from the petitioner and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. The petition stands disposed of accordingly.

9. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

29.04.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No