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

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CRM-M-17230-2023

Date of decision : 20.09.2023

Ajaypal Singh @ Fauji**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. B.S. Jaswal, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.30 dated 30.03.2022, registered for offences punishable under Sections 379-B(2), 411 and 34 of IPC, at Police Station Khilchain, District Amritsar.

2. Present FIR was lodged on the statement of one Karan Singh son of Kulwinder Singh against the unknown person alleged as under:-

“Stated that I am the resident of above address and I am a Field Officer in Savantar Mycrophine Private Limited Company. Today dated 30.03.2022, I was coming regarding my office work from Village Sudhar Rajputa to my office Raiys on my motorcycle no. PB18G2767 mark splendour. The time was about 03:30 PM, when I reached 1 kilometre ahead from Village

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Sadhar Rajputa then on splendour motorcycle three young person having muffled their faces came before me very fastly. Their age was about 25/26 years. They took their motorcycle in front of my motorcycle and stopped me. Out of them one demanded to give my purse, to whom I said I have no money and Purse, then out of them, one gave dattar blow upon me which hit on my right Check. Then, other person gave dattar blow upon me which hit on palm of my right hand, then above of one gave blow of dattar on me which hit on my right hand shoulder, I shouted then one person gave blow of dattar which hit on my right leg, then I fell down on the ground. Then they took out two Samsung mobile phones from my pocket, running SIM No. of mobile phone is: 6284561884 and other SIM No. of mobile phone is 7208941622. Then one unknown person took me to Kaler Hospital in injured condition on my motorcycle, Where my treatment done, I could recognize the above mentioned accused if they come in front of me. Kindly trace the above mentioned accused and take an appropriate legal action. I am Complainant. Today I stated to you. SD/- Karan Singh. Attested by SD/- Samsher Singh ASI. Police Station Khilchian. Dated 30.03.2022.”

3. Counsel for the petitioner submits that the petitioner was arrested in another FIR No.37 dated 25.04.2022, registered for the offences punishable under Sections 379-B(2) read with Section 34 of IPC, at Police Station Khalchain and as per the prosecution, he made disclosure while in police custody admitting his guilt qua the present incident in that FIR. Petitioner already stands admitted to bail in said

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FIR No.37 vide order dated 16.01.2023 passed **CRM-M-34954-2022**.

4. Petitioner is behind bar since 01 year, 04 months and 24 days and apart from the aforestated FIR, there is no other criminal case pending against the petitioner except the two mentioned above including the present one.
5. Counsel for the petitioner further submits that the charges were framed way back in February, 2023. However, trial could not proceed further as the prosecution witnesses opted not to appear.
6. The aforesaid assertions made by counsel for the petitioner based on record are not disputed by counsel for the State.
7. Without commenting on the merits of the case and keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

20.09.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No