

213/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:17.08.2023

(i) CRM-M-23704-2022

Harpreet Singh alias Happy ...Petitioner
vs.
State of Punjab ...Respondent

(ii) CRM-M-21449-2023

Karandeep Singh ...Petitioner
vs.
State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner in CRM-M-23704-2022.

Mr. Malkiat S. Hundal, Advocate
for the petitioner in CRM-M-21449-2023.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

This order shall dispose of above-said two petitions i.e. CRM-M-23704 of 2022 titled as Harpreet Singh alias Happy vs. State of Punjab and CRM-M-21449 of 2023 titled as Karandeep Singh Vs. State of Punjab, whereby the petitioners pray for grant of regular bail under Section 439 Cr.P.C. in case arising out of FIR No.16 dated 07.02.2022 registered under Section 379-B (2) IPC (Sections 201, 411 IPC added later on) and Section 25 of Arms Act, 1959, at Police Station Sadar Patti, District Tarn Taran.

As per case of the prosecution, five youngmen with covered faces, came on a Pulsar motorcycle and threw the motorcycle of the complainant on

the ground by hitting with the side of their motorcycle and one of those youngmen pulled out the key of his motorcycle and snatched Rs.93,122/- from the pocket of jacket of the complainant, his mobile phone Samsung S20 and wallet of his friend Lovish Kumar in which Rs.7,535/- and one ATM of Bank of India was there. While leaving, they also snatched motorcycle bearing registration No.PB-21-G-2444 TVS of the complainant. With these main allegations, the FIR was registered in the present case.

Learned counsel for the petitioners contend that the petitioners were not named in the FIR and during the course of interrogation in some other case, their involvement were wrongly shown in the present case also and were ordered to be arrested. Learned counsel further submit that Harpreet Singh alias Happy in CRM-M-23704 of 2022 is in custody since 15.02.2022 and has undergone more than one year and six months of actual custody, whereas, Karandeep Singh, (Petitioner in CRM-M-21449 of 2023) was also arrested on 15.02.2022 and is in custody for the last one year and six months. Learned counsel for the petitioners further submit that only one witness, out of total 18 witnesses, have been examined so far and the conclusion of the trial may take a considerable time.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioners on the ground that the petitioner-Harpreet Singh alias Happy is facing prosecution in five other cases, whereas Karandeep Singh, petitioner is facing prosecution in six other cases and both of them are habitual offenders.

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

It is not in dispute that both the petitioners are in custody since 15.02.2022 i.e. for the last more than one year and six months. Still further, the prosecution has only examined one witness, out of total 18 witnesses and the trial is at the initial stage. Still further, even though, it is apparent from the record that the petitioners are facing prosecution 5/6 other cases, but this cannot be the sole ground to dismiss the bail application of the petitioners, when the petitioners have undergone sufficient long period and have been able to make out a case for grant of bail in the present case. The pendency of other criminal cases is a relevant consideration, while considering the bail application of the accused, but cannot serve as a sole ground for dismissal of the bail application. In the present case, the petitioners have been involved in a criminal case on the basis of the disclosure statements suffered by them in a different case and the evidentiary value of such statements made in police custody, is yet to be decided by the trial Court during the course of trial.

Without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

- (i) *The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them to disclose*

such facts to the Court or to any other authority.

- (ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioners shall surrender their passports, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.*
- (v) The petitioners shall also file their affidavits before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile numbers, they shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioners involve in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to them.*
- (vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioners.*
- (viii) The petitioners shall report every 1st and 3rd Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark their presence by*

making an entry in the Rojnamcha. In case, they do not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to them shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

A photocopy of this order be placed on the file of connected case.

17.08.2023

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(N.S.SHEKHAWAT)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No