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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-26962-2023

Ajay SinghPetitioner

versus

State of Punjab Respondent

2. CRM-M-26995-2023

Simranpreet Kaur @ MannuPetitioner

versus

State of PunjabRespondent

Date of decision : 01.06.2023

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Surinder Garg, Advocate
for the petitioner(s).

Mr. Karunesh Kaushal, AAG, Punjab assisted by
ASI Gurmeet Singh.

RAJESH BHARDWAJ, J. (Oral)

This order shall dispose of two bail petitions as they have arisen out of the same FIR.

Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.397 dated 20.09.2022, under Sections 394, 454, 506 of IPC and Section 25 of Arms Act, 1959, registered at Police Station City Faridkot, District Faridkot.

Adumbrated facts of the case are that Vikramjeet Sharma recorded his statement before the police wherein it was alleged that his Money Transfer Shop was situated near Bhan Singh Colony, Gurudwara Sahib. Near to his shop, he had another Cable Shop and he had employed

one girl, namely, Vishali in that shop. On the date of occurrence i.e. 20.09.2022 at about 12:30 PM, when he was sitting in his Cable shop, he heard some noise from his another shop and he rushed there. He saw a man and woman running out of his shop and the employee Vishali also came out of the shop. On her raising noise, both the man and woman caused her injuries. They robbed the money from the money box on the pistol point. On raising alarm, both of them were overpowered by the persons and on asking, they disclosed their name as Ajay son of Mangal Singh and Simranpreet Kaur @ Mannu wife of Ajay. On checking their bags, one desi pistol along with one cartridge and cash of Rs.370/- was recovered from them. The employee namely, Vishali was got admitted in Civil Hospital. Both the accused were handed over to the police and request was made to take legal action. On the basis of complaint made, the FIR was lodged and investigation commenced. The statement of the relevant witnesses were recorded. Petitioners were arrested on spot. Thereafter, petitioner-Ajay Singh approached the Court of learned Sessions Judge, Faridkot praying for grant of bail. However, after hearing counsel for both the sides, learned Sessions Judge declined the same vide his order dated 23.01.2023. So far petitioner-Simranpreet Kaur @ Mannu is concerned, earlier she had approached this Court by way of filing the petition bearing CRM-M-11494-2023, however, the same was allowed to be dismissed as withdrawn vide order dated 18.04.2023. Thereafter, she approached the Court of learned Sessions Judge praying for grant of bail. However, after hearing counsel for both the sides, the same was declined vide order dated 06.05.2023. Thus, she has approached this Court again by way of second petition for grant of regular bail.

It has been contended by counsel for the petitioners that the petitioners are falsely implicated in this case. He submits that the recovered amount as alleged in the FIR is also Rs.370/-. He has submitted that the allegations were made that the petitioners caused injury to the employee namely Vishali and she was admitted in Civil Hospital. However, there is no MLR to corroborate the same. He further submits that the petitioners have no criminal antecedents and the investigation in this case is already complete and charges are also framed. He submits that the Investigating Officer of the case has already been examined by the trial Court as PW-2. He has submitted that the Investigating Officer has deposed in his cross-examination that he did not verify any CCTV installed in the shop of the complainant or in the vicinity. He has submitted that petitioner-Simranpreet Kaur @ Mannu has no criminal antecedents. He further submitted that though petitioner-Ajay Singh has been prosecuted in one another FIR, however, he has been acquitted by the trial Court on 25.05.2023. He submits that in the overall facts and circumstances, petitioners deserve to be granted bail.

Learned State counsel, on the other hand, has opposed the submissions made by counsel for the petitioners. He has submitted that both the petitioners are husband and wife and they were arrested on spot and thereafter, the recovery was made from the bag they were carrying from which pistol and live cartridge was also recovered. He submits that the petitioners namely, Ajay Singh has also been prosecuted in another case, however, he is acquitted in that case. He submits that the investigation in this case is complete and charges are framed and also out of 11 prosecution witnesses, 01 witness has been examined.

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

Evidently, petitioners are behind bars since 20.09.2022. The allegations were made that while escaping from the shop, the accused caused injury to the employee of the shop namely, Vishali and she was admitted in Civil Hospital. However, there is nothing on record to substantiate the same that there was any injury caused to Vishali. As submitted before this Court, petitioner-Ajay Singh has been prosecuted in another case, however, he has been acquitted by the trial Court vide order dated 25.05.2023. So far petitioner-Simranpreet Kaur @ Mannu is concerned, there is nothing on record to show that she has any criminal antecedents. As submitted, investigation is already complete and charges are framed and also out of 11 prosecution witnesses, only 01 witness has been examined.

The trial of the case will take sufficiently long time. This Court would refrain itself from commenting anything on the merits of the case. However, keeping in view the custody as well as the attending facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

Photocopy of this order be placed on the file of connected case.

(RAJESH BHARDWAJ)
JUDGE

01.06.2023
m. sharma

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