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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-28159-2023
Date of Decision: 16.10.2023

Vijay Kumar	Versus	 Petitioner
State of Punjab		 Respondent

CRM-M-27177-2023

Ramesh Kumar @ Rajesh Kumar	Versus	 Petitioner
State of Punjab		 Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. C.S. Rana, Advocate,
for the petitioner in CRM-M-28159-2023.

Mr. Lovepreet Handa, Advocate
for the petitioner in CRM-M-27177-2023.

Mr. G.S. Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

- Both petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners and are being taken up together for final disposal with the consent of both the learned counsels for the petitioners, since both the petitions arise out of the same FIR bearing No.163 dated 30.12.2022, under Sections 379-B (2), 34, 411 IPC, registered at Police Station Ladhawal, Ludhiana, District Ludhiana.
- It was submitted by Mr. C.S. Rana, learned counsel appearing on behalf of the petitioner-Vijay Kumar in CRM-M-28159-2023 that the

petitioner is custody since 31.12.2022 and Mr. Lovepreet Handa, learned counsel appearing on behalf of the petitioner-Ramesh Kumar @ Rajesh Kumar in CRM-M-27177-2023 has submitted that the petitioner is in custody since 21.01.2023. They further submitted that the investigation of the case has already been completed and the challan has also been presented on 21.02.2023. They also submitted that both the petitioners have been falsely implicated in the present case and even otherwise also the subject matter of the theft in the present case is one purse of the complainant having Rs.35,000/-, one mobile phone and one ATM card. They further submitted that the incarceration of both the petitioners is about 9 months and even till date, the charges have not been framed. They also submitted that so far as the petitioner-Ramesh Kumar @ Rajesh Kumar is concerned, he is having clean antecedents and is not involved in any other case and so far as the petitioner-Vijay Kumar is concerned, he was involved in one more case in which he was convicted for 15 days and it was only because of this reason, both the petitioners have been falsely implicated in the present case. They submitted that be that as it may, now the investigation of the case has already been completed and till date even the charges have not been framed and the trial of the case may take a long time and therefore, the petitioners may be considered for the grant of regular bail.

3. On the other hand, Mr. G.S. Sidhu, learned Assistant Advocate General, Punjab has submitted that it is correct that both the petitioners are in custody for about 9 months and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court but the charges are yet to be framed in this case. He further

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submitted that so far as the petitioner, namely, Vijay Kumar is concerned, his antecedents are not clean as he was earlier convicted although for 15 days.

4. I have heard the learned counsels for the parties.
5. Both the petitioners have faced incarceration for about 9 months and as per the learned counsels for the parties, the investigation of the case has been completed but till date the charges have not been framed by the trial Court. The petitioner, namely, Ramesh Kumar @ Rajesh Kumar is stated to be not involved in any other case whereas the petitioner, namely, Vijay Kumar is stated to be convicted in one case and sentenced to undergo for 15 days. Be that as it may, the investigation of the case is complete and the trial of the case may take long time and considering the subject matter involved in the present case i.e. Rs.35,000/-, one mobile phone and one ATM card, this Court, therefore, deems it fit and proper to grant regular bail in both the cases to both the petitioners.
6. Consequently, both the petitions are allowed and the petitioners are ordered to be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

16.10.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |