

215 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of Decision: 23.11.2023

(i) CRM-M-32034-2023 (O&M)

Dalbir Singh alias Pakhana Petitioner

Versus

State of Punjab Respondent

(ii) CRM-M-40074-2023

Jagdhir Singh @ Jaggu Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Sidhant Vermani, Advocate
for the petitioner in CRM-M-32034-2023

Mr. Sandeep, Advocate for
Mr. Veneet Sharma, Advocate
for the petitioner in CRM-M-40074-2023.

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

N.S. SHEKHAWAT, J. (ORAL)

CRM-44796-2023 in CRM-M-32034-2023.

Application is allowed as prayed for subject to just exceptions.

Annexure P-3 is taken on record.

CRM-44797-2023 in CRM-M-32034-2023.

Learned counsel for the applicant-petitioner does not press the
present application.

Dismissed as not pressed.

Main cases:-

1. This order shall dispose of two petitions i.e. CRM-M-32034-2023 titled as Dalbir Singh alias Pakhana Vs. State of Punjab and CRM-M-40074-2023, titled as Jagdhir Singh @ Jaggu vs. State of Punjab, whereby the petitioners in the said petitions have prayed for grant of regular bail in case FIR No.129 dated 01.04.2023 registered under Sections 379-B(2)/411 IPC read with Section 28 of Arms Act, at Police Station Islamabad, District Amritsar.

2. The FIR in the present case was registered on the basis of the statement made by Jaswinder Singh son of Sucha Singh by alleging that at about 9.00 pm on 31.03.2023, he was going on a Activa Scooter from Prem Nagar to his house at Indira colony. On the way, four unknown boys had snatched his Activa Scooter and fled from the spot with his Activa. The complainant had kept a sum of Rs.50,000/-, Aadhar Card, PAN Card, Copy of registration and bundle of keys alongwith ATM and mobile phone in the scooter. With these allegations, the FIR was got registered by the complainant.

3. Learned counsel for the petitioners submit that the petitioners were not named in the present FIR and have been falsely involved in the present case only on the basis of the suspicion. Learned counsel for the petitioners also rely upon the orders passed by this Court in CRM-M-45540-2023 and CRM-M-56986-2023, whereby co-accused, namely Jai Sharma @ Sukha Amritsariyan @ Kalu and Karan @ Karan Sharma @ Pinchu Gandhi have been granted the concession of bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that two more cases have already been registered against Dalbir Singh alias Pakhana and

he is a habitual offender. Though, the petitioners do not deserve the concession of bail by this Court.

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

6. It is not in dispute that two similarly placed co-accused namely, Jai Sharma @ Sukha Amritsariyan @ Kalu and Karan @ Karan Sharma @ Pinchu Gandhi have already been granted the concession of bail by this Court. Still further, the petitioners are in custody for the last more than 7 months and charges are yet to be framed against the present petitioners.

7. Without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM 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 passport, 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 number, 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 him.*
- (vii) The concerned Court may insist on two heavy local sureties 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 of 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.*

23.11.2023
hemlata

(N.S. SHEKHAWAT)
JUDGE

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