

CRM-M-35301-2022 and CRM-M-9829-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr.No.203(2 cases)

Case No. : CRM-M-35301-2022

Date of Decision : March 24, 2023

Harbans Singh @ Bansi Petitioner

VS.

State of Punjab Respondent

Case No. : CRM-M-9829-2023

Date of Decision : March 24, 2023

Jarnail Singh @ Bagga Petitioner

VS.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Aminder Singh, Advocate
for the petitioner in CRM-M-35301-2022.

Ms. Gagandeep Kaur, Advocate
for the petitioner in CRM-M-9829-2023.

Ms. Himani Arora, AAG, Punjab.

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GURBIR SINGH, J. :

Vide this common order, two petitions i.e. CRM-M-35301-2022 and CRM-M-9829-2023 filed by two different persons, shall be disposed of as the FIR involved in both the petitions is the same, arising out of the same occurrence.

These are two petitions under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No.29 dated 03.02.2022, under Sections 341, 323, 324, 34, 379 IPC (Section 307 IPC added later on) (Section 120-B IPC added vide order dated 17.08.2022 passed by a Co-ordinate Bench of this Court), registered at Police Station Bhawanigarh, District Sangrur.

The case in question was registered on the basis of statement made by one Ajit Kumar. He stated that he and his elder brother Sudhir Kumar were working in IAL Factory, Ghabda. On 01.02.2022, at about 07:00 PM, after doing his duty, his brother Sudhir Kumar was going towards his hostel at IAL Colony, Baliyal Road. He was walking towards the side of Baliyal Road from Bus Stand, Bhawanigarh. Suddenly two unknown persons came on the motorcycle from Bhawanigarh side. They caught hold of his brother and started abusing him. Sudhir Kumar asked them why they were abusing him, then they started giving beatings to him. One of them gave blow with some sharp weapon on the stomach of Sudhir Kumar. Resultantly, he fell down. His mobile phone also fell down, which was stolen by the above-said unknown persons.

Learned counsel for the petitioners have submitted that the petitioners were not named in the FIR. They have been falsely implicated. They were nominated on the basis of statement of one Vicky Dhawan, who was a mobile shop owner. He made statement that the petitioners have sold the mobile phone in question to him and he further sold the same to some one else.

Learned counsel for the petitioners have further submitted that the petitioners are in custody since 23.04.2022. The completion of trial would take a long time. No purpose would be served with further detention of the petitioners. Therefore, they be granted concession of regular bail.

Learned State counsel has opposed the prayer made by learned counsel for the petitioners. She has submitted that during investigation, statement of one Vicky Dhawan – a mobile shop owner was recorded, who told that petitioner Harbans Singh had sold the mobile phone to him for Rs.5,500/- and at the time of selling the phone, he also gave his Aadhar Card. A copy of the said Aadhar Card of Harbans Singh was handed over to the Investigating Officer. Vicky Dhawan also identified the petitioner Harbans Singh @ Bansi. She has further apprised this Court that the challan has already been presented. The case is fixed for prosecution evidence. Three more cases were registered against the petitioner Harbans Singh @ Bansi.

Learned counsel appearing on behalf of petitioner Harbans Singh @ Bansi has submitted that one case was registered against Harbans Singh @ Bansi in the year 2013, under Sections 323/325/148 IPC, another case was registered against him in the year 2015, under Sections 457/380/411 IPC and the third one was registered in the year 2016, under Sections 323/324/506/34 IPC. He has further prayed that pendency of other cases should not be a ground to decline bail to the petitioner.

Heard.

The petitioners were not named in the FIR. The only evidence

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collected against the petitioners is that they sold one mobile phone, which was snatched in this case. They were nominated in this case after a period of two months.

In the case in hand, both the petitioners are in custody since 23.04.2022 i.e. for more than eleven months. The challan is already presented.

Accordingly, without commenting upon the merits of the case, both the petitions i.e. CRM-M-35301-2022 and CRM-M-9829-2023 are allowed and both the petitioners are directed to be released on regular bail, on their furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, Sangrur.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

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

March 24, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.