

2023:PHHC:144811

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

220

**CRM-M-33558-2023**

**Date of decision : 15.11.2023**

**Samma**

**..... Petitioner**

**versus**

**State of Punjab**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. R.S. Sekhon, Advocate  
for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

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**PANKAJ JAIN, J. (Oral)**

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.65 dated 08.02.2023, registered for the offences punishable under Sections 380 and 457 of IPC, 1860 (Sections 454, 411 and 413 of IPC added later on) at Police Station City Ferozepur, District Ferozepur.

2. As per the contents of the FIR, it has been alleged as under:-

“Station House Officer, Police Station City Ferozepur, “Jai Hind” today I/HC along with CT Gurwinder Singh No.1028/FZR, CT Surinder Singh No.1152/FZR, CT Gurpreet Singh No.968/FZR, PHG Dhiraj Puri No.11668, PHG Jagtar Singh No.11014 were on patrolling on a private vehicle along with laptop and printer, in connection of search of suspected persons and vehicles in the area falls under the limits of police station, when the

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police party reached near Magzini Gate Ferozepur City then a secret informer gave me information secretly that Samma s/o Nek r/o Awa Basti, Ferozepur City and Jogi Bhajan Lal s/o Shinda r/o Awa Basti, Ferozepur City who used to enter in the houses of people and are habitual in thieving the costly items and Gold etc. and who were confined in Central Jail Ferozepur in theft cases and now they are on parole. Both the above said persons namely Samma and Jogi are habitual in stealing the gold ornaments from other districts and used to sell the same in Ferozepur. Today, they are standing on Fish Mandi, Kunde Road Ferozepur. If the raid will be conducted and strict remand will be taken then the heavy quantity of stolen gold can be recovered and it will also transpires about the earlier stolen gold. Being the information is true and reliable, the offences attribute sections 457/380 IPC against Samma s/o Nek r/o Awa Basti, Ferozepur City and Jogi @ Bhajan Lal s/o Shinda r/o Awa Basti, Ferozepur City. Therefore, ruqa against Samma and Jogi alias Bhajan Lal is written and sent to the police station for registration of case through PHG Jagtar Singh No.11014. The number of the case be informed after registration. PCR be informed and I/HC along with police party is proceeded towards the place disclosed by the informer for conducting raid and recovery. The attempt for joining the public witness will be done on the way. Today in the area of Magzini Gate Ferozepur City, Sd/- Gurwinder Singh HC, PS City Ferozepur, dated 08.02.2023.”

3. Counsel for the petitioner submits that from bare perusal of the FIR, no offence is made out. There is no allegation that the gold

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alleged to have been recovered from the petitioner are the proceeds of steal.

4. *Per contra*, counsel for the State opposes the bail plea on the ground that the petitioner is habitual offender having more than 21 FIRs against him.

5. Faced with the situation, reliance is being placed upon Prabhakar Tiwari '*Prabhakar Tiwari vs. State of U.P.*' reported as (2020) 1 RCR (Cri.) 831 to submit that while considering the bail, it is the contents of the FIR in the present case which has to be considered.

6. Without commenting on the merits of the case and keeping in view the nature of allegation levelled against him, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)  
JUDGE

15.11.2023  
Dinesh

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|-----------------------------|-----|
| Whether speaking/reasoned : | Yes |
| Whether Reportable :        | No  |