

CRM-M-38420-2023

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(226)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38420-2023

Date of Decision: 06.11.2023

LOVEPREET

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Tarunveer Vashisht, Advocate with
Mr. Shoryaveer Vashisht, Advocate and
Mr. Brijeshwar Vashisht, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.30 dated 17.06.2023 registered under Section 379-B(2) IPC and (Section 120-B IPC added later on) at Police Station Mukandpur, District Shaheed Bhagat Singh Nagar.

2. The present FIR came to be registered at the instance of Akash Saini son of Ramesh Chand Saini who stated that he was working as a Field Officer with RBL Finserv Limited. On 17.06.2023, he had left his office in Nawashahr and was going on his motorcycle for collection in the area of Mukandpur. He was carrying a tablet and other documents to make collections. After making some collections, he was going from Village Mandera to the Village Sadhpur. When he was on the motorcycle some distance from village Sadhpur, another motorcycle started following him on which there were three young men aged about 20 to 25 years. They overtook

him (complainant) and stopped him. The motorcycle of the young men was without a number plate. The three young men was asked for his kit which he handed over along with Rs.48000/-, a Samsung Tablet containing a SIM Card No.85301-13845, company documents and his wallet. After snatching his kit, the young men sitting behind attacked him with their Kirpans. The first blow struck his right ear and he fell down. The rest of the two young men hit him from the back side of the Kirpan on his left bicep, left knee and left elbow on the back. He started screaming on which passer-bys came to the spot and the three youth fled away along with the kit and other items. Therefore, he was taken to hospital.

Subsequent to the registration of the FIR, the petitioner came to be nominated as an accused on the basis of GD No.035 dated 18.06.2023 (Annexure P-2). Thereafter, on his disclosure statement, Gurpreet Singh @ Sunny son of Soni Ram, Tushar Kumar son of Ramesh Kumar and Hardeep Kumar @ Deepa son of Harish Kumar were nominated as accused.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No one has been named in the FIR and the petitioner has been arrested without any evidence whatsoever. As the petitioner was in custody since 18.06.2023, none of the 19 prosecution witnesses had been examined so far and a co-accused namely, Hardeep Singh @ Deepa had been granted the concession of bail, the petitioner was entitled to the similar concession as he had clean antecedents with no other case registered against him.

4. On the other hand, the learned State counsel contends that the petitioner and his co-accused have committed a grave offence. Various

recoveries had been effected from the petitioner. Therefore, looking at the nature of the allegations levelled against the him, he was not entitled to the concession of bail. She, however, concedes that the petitioner was a first-time offender, in custody since 18.06.2023, none of the of the 19 prosecution witnesses had been examined so far and that a co-accused namely, Hardeep Singh @ Deepa has been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner shall be adjudicated upon after evaluation of evidence during the course of Trial. Admittedly, the petitioner is a first-time offender, in custody since 18.06.2023 and none of the 19 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required moreso when a co-accused has already been granted the concession of bail.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Lovepreet son of Dev Raj is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that they are not involved in any other crime other than the present case.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial

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Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

06.11.2023

JITESH

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