

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-28.08.2023

CRM-M-41707-2023

Harmeet Singh @ Honey.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

AND

CRM-M-41767-2023

Shivam Tangri.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Kanwaljeet Singh, Advocate for the Petitioner
(in CRM-M-41707-2023).

Mr. Gitesh Sharma, Advocate for the Petitioner
(in CRM-M-41767-2023).

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

By this common order I shall dispose of both the
aforementioned petitions as they have arisen out of one and the same FIR.

2. The Prayer in these petitions under Section 439 Cr.PC is for the
grant of regular bail in case FIR No.24 dated 02.03.2023 under Sections 392
IPC (Section 411 IPC added later on) registered at Police Station Dehlon,

District Police Commissionerate, Ludhiana.

2. The brief facts of the case are that statement of Jaspal Singh @ Pal was recorded to the effect that on 01.03.2023 at about 6.00 AM two boys with muffled faces came into their room through the door of the bathroom and by putting a pistol like weapon near his ear took away an amount of Rs.1,27,000/- along with two mobile phones.

During the course of the investigation, the petitioners were arrested and a mobile phone each was recovered from both the petitioners whereas a toy gun was recovered from Shivam (petitioner in CRM-M-41767-2023).

3. The Counsels for the petitioners contends that during the course of the investigation, the petitioners were nominated as accused. The recoveries of mobile phones have been planted upon the petitioners. As they were in custody since 5.4.2023, none of the 12 prosecution witnesses had been examined so far and they were first time offenders, they were entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that serious allegations have been levelled against the petitioners. Offences of this kind were on the rise and the petitioners did not deserve any sympathy. She however concedes that the petitioners were first time offenders, in custody since 5.4.2023 and that none of the 12 prosecution witnesses had been examined so far.

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

6. The veracity of the prosecution case against the petitioners shall be adjudicated upon during the course of the Trial. Admittedly the petitioners are in custody since 5.4.2023 and none of the 12 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 their further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Harmeet Singh @ Honey** son of Sh. Sukhwinder Singh and **Shivam Tangri** son of Sh. Vikas Tangri are ordered to be released on bail subject to their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. 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.

10. In addition, the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.50,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from the trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 28, 2023
Vinay

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