

(230) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57494-2022

Date of Decision: 10.01.2023

BAHADUR SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.S. Dadwal, Advocate
for the petitioner.

Ms. Ramta Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The petitioner seeks the grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0090 dated 23.04.2022 registered under Sections 379-B(2), 34 IPC, 1860 at Police Station Salem Tabri, District Ludhiana.

2. The present FIR came to be registered at the instance of Deepa Kumar who stated that he was working as a salesman at Gill Hardware Store. One auto driver namely, Deepak Kumar alias Rawan son of Pankaj Gupta used to deliver goods for the store. On his auto No.PB-10-HB-8156, he (complainant) would often accompany the auto driver to deliver hardware goods. On 21.04.2022, while they were returning to Ludhiana after obtaining a payment of Rs.1,90,000/- and they reached Phillaur, then the driver Deepak Kumar called someone from his phone. Thereafter, three young boys came on an Activa scooter one of whom had cut hair and two boys had their hair tied. Deepak Kumar slowed down the auto which raised suspicion in his

(complainant's) mind. Thereafter, the three boys boarded the auto. One of the boys took out a knife from his pocket, placed it at his (complainant's) neck and asked him to hand over whatever he had. Thereafter, he (complainant) was struck on the head with a stick. Deepak Kumar continued to drive the auto. He (complainant) was also beaten on his arm and was slapped on his face. A sum of Rs.1,93,500/- including Rs.3500/- carried by him were taken away. His mobile phone also got broken in the occurrence. On informing his employer Kulwant Singh about the incident, he was taken to Civil Hospital, Ludhiana, where treatment was provided to him. It was his case that Deepak Kumar along with his colleagues had conspired to rob him of Rs.1,93,500/-. The persons were stated to be Bahadur Singh alias Jassi (petitioner), Govinda and Fateha Wasian. Appropriate legal action was sought.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The statement of Deepak Kumar alias Rawan was recorded whereby the petitioner was named as an accused in the present case. Deepak Kumar alias Rawan has since been granted the concession of regular bail by this Court vide order dated 15.09.2022 passed in CRM-M-31463-2022 (Annexure P-2). Since the petitioner was in custody since 24.04.2022 and none of the 10 prosecution witnesses had been examined so far, the further incarceration of the petitioner was not required. Even otherwise, in one other FIR registered against him, the petitioner had been granted the concession of bail.

4. On the other hand, the learned State counsel contends that the petitioner is one of the main accused. The manner in which the occurrence had taken place does not entitle him to the grant of regular bail. He, however,

admits that none of the 10 prosecution witnesses had been examined so far and Deepak Kumar @ Rawan has been granted the concession of regular bail by this Court vide order dated 15.09.2022 passed in CRM-M-31463-2022 (Annexure P-2).

5. I have heard the learned counsel for parties.

6. Admittedly, the petitioner has been in custody since 24.04.2022 and none of the 10 of the prosecution witnesses have been examined so far. The co-accused of the petitioner namely, Deepak Kumar @ Rawan has been granted the concession of regular bail by this Court vide order dated 15.09.2022 passed in CRM-M-31463-2022 (Annexure P-2). The case of the petitioner is on a similar footing. In such a situation, the further incarceration of the petitioner is not required.

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

8. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- 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 petitioner from trial without sufficient cause.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

10.01.2023

JITESH

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