

220

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

CRM-M-58801-2023 (O&M)

Date of decision : 28.11.2023

HARMAN SINGH ALIAS HAMMA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ramnish Puri, Advocate for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab with ASI Jarnail Singh.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.20 dated 4th of May, 2023 registered for the offences punishable under Sections 379-B(2), 324, 201, 34 of Indian Penal Code, 1860 at Police Station Mattewal, Amritsar.

2. Reliance is being placed upon order dated 12th of October, 2023 passed in CRM-M No.50659 of 2023 whereby co-accused namely Ramandeep Singh @ Raman stands admitted to bail observing as under :

“1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.20 dated 04.05.2023 registered under Sections 379-B(2)/324/201/34 IPC, at Police Station Mattewal, Amritsar.

2 As per the allegations levelled in the FIR, it has been alleged as under :-

“Statement of Akashdeep Singh son of Sewa Singh Caste

Mazhabi Sikh resident of Amarkot District Tarn Taran, aged 20 Years, Mobile No: 81301-43499. Stated that I am resident of above mentioned address and I am posted as S.M. (Sangam Manager) in Bharat Financial Inclusive Limited Company, which company has based at Hyderabad, whose office is situated in front of Police Beat, Kahnuwan Road, Batala, where my job is to collect amount on weekly basis for the loan given by our company to the public and days of collection have been fixed in our company for collection. Thursday has been fixed for collection of amount by me at area Village Roopuwali Brahmin, Kintowali, Mattewal. That today on 04.05.2023, I have collected Rs. 23,590/- from Kawaljeet Kaur wife of Mukthiar Singh resident of Village Kintowali, which I put in right pocket of my pant and then, from Vipin Kaur wife of Swaran Singh resident of Village Mattewal collected Rs. 18,880/-, Gurmeet Kaur wife of Ajit Singh resident of Village Kintowali collected Rs. 47,810/-, Balwinder Kaur wife of Satnam Singh resident of Village Mattewal collected Rs. 9,770/- and Sonia wife of Sahib Singh resident of Village Mattewal Rs. 36,785/- collected as installments. That this total amount Rs. 1,13,245/- I kept into my kit bag, in the meantime, I got call from Gurjeet Singh who is working in India Financial Inclusive Limited Company, Batala as B.C.M. (Branch Credit Manager) from his Mobile number 85578-33569, who asked me about the collection of cash, to whom I told that I am collecting the cash from the last spot, who told me that deposit the cash in the bank. Upon which I am going on my motorcycle No. PB-38-C-6560 marked SD Deluxe to deposit the amount from Village Mattewal to State Bank of India, Branch Boparai. While going towards Boparai, when I reached about three killas ahead from minor canal, from the behind me, on one motorcycle, three youngsters among them two are of medium height and one of short height, who could be identified by me if confronted, came riding there. They

paralleled their motorcycle with my motorcycle, immediately, the youngster who is sitting in the middle and is holding a datar in his hand, gave me a datar blow which hit on my right bicep of my right arm. I fell down from the motorcycle, then, among them, two youngsters sitting on the back got off, among them person on the last, forcibly took kit bag from my back and from the front pocket of my shirt in which Mobile labeled OPPO A57 Color red in which SIM No. 81301-43499 was working was also snatched. Thereafter these two youngsters with third companion fled away from the spot on their motorcycle towards Mattewal side. That I got sacred due to injuries inflicted upon me and could not able to see the above motorcycle number or label. Thereafter, I took out first aid kit kept in my motorcycle, some dressing was done by me. That for giving information to you, I was coming to you, you are met, kindly legal action be taken against the above three unknowns.”

3 Custody certificate has been filed. The same is taken on record.

4 Learned counsel for the petitioner states that the investigation already stands concluded. Challan stands presented. The petitioner has been in custody since 01.07.2023.

5 Learned State counsel is not in a position to dispute the aforementioned factual assertions based on record.

6 I have heard learned counsel for the parties and have gone through the records of the case.

7 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case. ”

3. Counsel for the petitioner further submits that the petitioner is behind bars since 01.07.2023. Investigation already stands concluded and Challan stands presented. Thus there can't be any apprehension that the petitioner shall tamper with the evidence.

4. Ld. State Counsel is not in position to dispute that the allegation *qua* the present petitioner are in any manner different from that levelled against Ramandeep Singh @ Raman.

5. I have heard counsel for the parties and have gone through records of the case.

6. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and granting parity, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 28, 2023

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No