

232/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 30.11.2023

(i) CRM-M-59226-2023

Lovepreet Singh ...Petitioner

vs.

State of Punjab ...Respondent

(ii) CRM-M-59443-2023

Rinku ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Saurav Kanojia, Advocate
for the petitioner in CRM-M-59226-2023.

Mr. Kanwaljeet Singh, Advocate
for the petitioner in CRM-M-59443-2023.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. This order shall dispose of two petitions i.e. CRM-M-59226-2023 titled as Lovepreet Singh vs. State of Punjab and CRM-M-59443-2023 titled as Rinku Vs. State of Punjab, whereby the petitioners, namely, Lovepreet Singh and Rinku have prayed for grant of regular bail in case arising out of FIR No.123 dated 03.10.2022 under Sections 379-B(2) of IPC (offences under Section 411, 201 and 473 of IPC added later on), registered at Police Station Meharban, District Police Commissionerate Ludhiana.

2. The FIR in the present case was registered on the basis of the statement made by Mudassar Tayed Bian. As per the complainant, at about 09:00 PM on 30.09.2022, he was proceeding towards his room with his brother Mujamil. When he and his brother reached near the petrol pump in the street, a black colour motorcycle came from back side and the young men were riding on this. Out of them, one boy came in front of them and by showing a knife to them, he had snatched the mobile phone from the complainant by injuring him with “dattar”. As per the complainant, he was shifted to the hospital by his brother as he has suffered injuries in the said incident.

3. Learned counsel for the petitioners contend that the FIR was initially registered against unknown persons and they have been falsely involved in the present case. Even no one suffered any injury in the present case and no MLR was prepared. Learned counsel for the petitioner submits that Rinku, petitioner is in custody since 06.10.2022, whereas, learned counsel for the petitioner-Lovepreet Singh stated that he is in custody since 14.10.2022. Learned counsel further submit that similarly placed co-accused, namely, Gurpreet has already been granted the concession of regular bail by this Court vide order dated 06.11.2023 passed in CRM-M-54454-2023.

4. On the other hand, learned State counsel has opposed the prayer made by learned counsel for the petitioners on the ground that there are serious allegations against the present petitioners.

5. I have heard learned counsel for the parties and perused the record.

6. It is not in dispute that the petitioner-Rinku was arrested on 06.10.2023 whereas petitioner-Lovepreet Singh was arrested on 14.10.2022 and

they are in custody for the last more than one year. Only charges have been framed against the petitioners and out of 17 witnesses, no witness has been examined so far. Apart from that, similarly placed co-accused has already been granted the concession of regular bail by this Court vide order dated 06.11.2023 (Annexure P-2).

7. Without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioners shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioners shall surrender their passport, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.*
- (v) *The petitioners shall also file their affidavits before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioners involve in any other criminal activity, during the pendency of the trial, it shall be viewed*

seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioners.

(viii) The petitioners shall report every 1st Monday of English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark their presence by making an entry in the rojnamcha. In case, they do not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to them shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

30.11.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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