

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63454-2023

Date of Decision: 21.12.2023

Girish Sharma @ Billa

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Sandeep Sharma, Advocate for
Mr. Nitin Narula, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.129 dated 01.04.2023 registered under Section 379-B of IPC (Sections 379, 411 of IPC, 1860 and Sections 28, 54, 59 of Arms Act, 1959 added later on) at Police Station Islamabad, District Police Commissionerate Amritsar.

2. The FIR in the present case was registered on the basis of the statement made by Jaswinder Singh son of Sucha Singh by alleging that at about 9.00 pm on 31.03.2023, he was going on a Activa Scooter from Prem Nagar to his house at Indira colony. On the way, four unknown boys had snatched his Activa Scooter and fled from the spot with his Activa. The complainant had kept a sum of Rs.50,000/-, Aadhar Card, PAN Card, Copy of registration and bundle of keys alongwith ATM and mobile phone in the scooter. With these allegations, the FIR was got registered by the complainant.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and no physical description of any of the accused was mentioned in the FIR. He further contends that the petitioner was arrested in the present case on 07.04.2023 and is in custody since then. Learned counsel for the petitioner has referred to the orders (Annexures P-3 to P-6), whereby, co-accused of the petitioner, namely, Jai Sharma @ Sukha Amritsariyan @ Kalu, Karan @ Karan Sharma @ Pinchu Gandhi, Dalbir Singh alias Pakhana, Jagdhir Singh @ Jaggu and Mintu Singh @ Mintu have been granted the concession of bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground there are serious allegations against him and does not deserve the concession of bail by this Court.

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

6. It is apparent from the record that co-accused, namely, Jai Sharma @ Sukha Amritsariyan @ Kalu, Karan @ Karan Sharma @ Pinchu Gandhi, Dalbir Singh alias Pakhana, Jagdhir Singh @ Jaggu and Mintu Singh @ Mintu have been granted the concession of bail by this Court. The case of the prosecution is at par with the said co-accused.

7. Without commenting any further on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned, subject to the following conditions:-

- (i) *The petitioner 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 him to disclose such*

- facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
 - (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
 - (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
 - (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
 - (vi) In case, the petitioner involves 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 surties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*
 - (viii) The petitioner shall report every 1st and 3rd Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

(N.S.SHEKHAWAT)
JUDGE

21.12.2023
hemlata

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