

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-436-2024
Date of Decision:25.01.2024

Sandeep Singh @ Santa ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Naveen Bawa, 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 Cr.PC with a prayer to grant regular bail to him in case FIR No. 144 dated 19.07.2023, registered under Sections 379-B,34 of IPC, Police Station City Jagraon, District Ludhiana, Punjab.
2. The FIR in the present case was registered on the basis of the statement made by Sukhdeep Singh son of Davinder Singh. At about 4.45 p.m. on 12.07.2023, he was going towards Legacy Immigration Services on foot in order to take his wife after her work. In the meantime, 4 motorcyclists came from behind and they stopped their motorcycle near him. Three persons alighted from the motorcycle and they started scuffling with him. The said three persons forcibly snatched the mobile phone from him and pushed him on the ground. The petitioner raised the noise to save himself and the accused fled from the spot. After this incident, he made efforts to trace the aforesaid

assailants in Jagraon City and surrounding villages and he came to know about the names of the accused as Prince son of Surjit Singh resident of Near Gurudwara Bhora Sahib, Sidhwan Bet, Tehsil Jagraon, District Ludhiana and Farid Mehmood @ Afridi son of Mehmood Alam, resident of Backside Main Gurudwara Sahib, Sidhwan Bet, Tehsil Jagraon, District Ludhiana, Harjitpal Singh son of Zora Singh resident of Rasoolpur (Jandi), Tehsil Jagraon, District Ludhiana and Sandeep Singh Senta son of Boota Singh resident of Galib Kalan, Tehsil Jagraon, District Ludhiana at present resident of Tajpur Road, Ludhiana.

3. Learned counsel for the petitioner submits that in the present case, the FIR has been got registered by the complainant after a delay of more than 06 days. He further submits that the allegations levelled by the complainant in the present case are highly unbelievable and improbable. He next contends that similarly placed co-accused Prince @ Prince Singh Maan has already been granted the concession of bail by this Court vide order dated 11.12.2023 (Annexure P-2). He further contends that the petitioner was arrested in the present case on 19.07.2023 and his further custody will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the two more cases have been registered against the present petitioner.

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

6. The petitioner was arrested in the present case on 19.07.2023 and is in custody since for the last about 06 months. The challan has already been presented against him and similarly placed co-accused Prince @ Prince Singh

Maan has already been granted the concession of bail by this Court vide order dated 11.12.2023 (Annexure P-2).

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved in any other criminal

activity, during the pendency of the trial, it shall be viewed seriously.

(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 bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report on every 1st Monday of English calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

25.01.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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