

2024:PHHC:006742

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

249 (i) **CRM-M-1345-2024**
Date of Decision: 18.01.2024

Gurlal Singh @ Chitta ...Petitioner
Vs.
State of Haryana ...Respondent

316 (ii) **CRM-M-893-2024**

Arshpinder Singh @ Arsh ...Petitioner
State of Haryana ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present: Mr. Lupil Gupta, Advocate
for the petitioner(s).

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. This order shall disposed off wo bail applications filed under Section 439 of the Cr.P.C. in **CRM-M-1345-2024 Gurlal Singh @ Chitta v/s State of Haryana** and **CRM-M-893-2024 Arshpinder Singh @ Arsh v/s State of Haryana**, where by the petitioners have prayed for grant of bail in case FIR No.300 dated 19.05.2023, registered under Sections 392 and 34 IPC at Police Station City Mandi Dabwali, District Sirsa.

2. The FIR in the present case was registered on the basis of the statement made by Anil Kumar S/o Raj Kumar and the same has been reproduced as under:-

“I am a E-Rickshaw-puller. On 17.05.2023 at about 05.30, I was returning from Sunder Nagar, Mandi Dabwali after leaving the passengers and when I reached near Courts at Chautala road, two persons got stopped me. They asked me that they have to bring bags of paint from a 'Dhaba' located near Jain Mandir and

then they both sat in my E-rickshaw. After covering some distance from Jain Mandir, they asked me to stop my E-rickshaw and told me that they have called their companion, who came there after some time on a motor-cycle. Thereafter, all the three boys started beating me. They all snatched my mobile make OPPO Digitaz bearing EMI No.86396057848637, having a SIM (Subscriber Identity Module) no.7404822086 of Airtel Company and currency notes of Rs.600/- and thereafter they fled away from the spot on their motorcycle. My wife namely Pooja had gone to Kotkapura and today she has come. Today, I have come with my wife and have filed the present complaint. I request that legal action be taken against three unknown boys and my mobile & currency notes be recovered..."

3. Learned counsel for the petitioner contends that after the registration of the FIR, investigation was conducted in the present case and an untraced report was submitted on 04.07.2023. However, without any incriminating evidence, petitioners were ordered to be arrested on 24.07.2023 illegally. He further contends that the recoveries were planted on them in the present case. As per learned counsel, petitioners are in custody for the last more than 05 months and challan has already been presented against them. He further contends that no meaningful purpose would be served by keeping the petitioners behind the bars.

4. On the other hand, Ms. Sheenu Sura, DAG, Haryana has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that one more FIR under Section 379-B IPC has been registered against the present petitioners.

5. In reply to be said submission, learned counsel for the petitioners submits the petitioners were ordered to be acquitted by the Court of Sessions Judge, Bathinda in the said cases.

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

7. The petitioners are in custody for the last more than 05 months in the present case and no other case is pending against them. Apart from that final report under Section 173 Cr.P.c. has already been presented against them and no meaningful purpose will be served by keeping the petitioners behind the bars.
8. In view of the above, without commenting any further on the merits, both the petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

(N. S. SHEKHAWAT)
JUDGE

18.01.2024
M.Sikka

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