

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1053-2024
Date of Decision:15.01.2024

Prince ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 98 dated 29.08.2023 registered under Sections 379-B, 34 of IPC (Section 411 IPC added later on) Police Station Sultanwind, District Police Commissionerate, Amritsar.
2. The FIR in the present case was registered on the basis of statement made by Krishna Kumar son of Ram Nath and the same has been reproduced below:-

Statement of Krishna Kumar son of Ram Nath resident of village Mukhram, District Kambore Bihar, presently resident of Sher Singh Colony, opposite Dharam Kanda, Tarn Taran Road, Amritsar, aged around 23 years, mobile no. 7052723852. Made a statement that I am resident of above said address and I do the work of Painter, on 28.08.2023 it was my birthday, in my house my friends had come, on last night at around 11.00, I along with Armandeep Singh son of Sukhdev Singh resident of Ishwar Nagar

Tarn Taran road Amritsar, Armandeep Singh son of Dilbagh Singh resident of house no. 77. Park Wali Ishwar Nagar, Anish Kumar son of Naranjan Kumar Soni, resident of House no. 376, Bhai Manjh Singh road, near Ber Sahib Gurudwara Amritsar and Deepak Kumar son of Raj Kumar resident of Ishwar Nagar Tarn Taran Road, Amritsar, all five of us on two motorcycles out of which one motorcycle bearing no. PB 02BY 6096, this motorcycle belongs to Armandeep Singh and it was driven by Armandeep Singh, I was sitting behind Armandeep Singh and another motorcycle bearing no. PB 02 EN 2764 on this motorcycle Deepak and Anish Kumar were riding and were going to Dashmesh Nagar. When we had reached near Tarlok Janjghar back side of Baba Bhuri Wale Dera then behind us one motorcycle on which there were four young persons came and they had brought their motorcycle in front of our motorcycle and they came down from motorcycle, out of which the faces of two persons were muffled and they were carrying dattars. They put us under the fear of dattar and told whatever you have give it to us. Out of them one young person has taken the mobile phone held in my hand of brand OPPO which was having Sim no. 8054641673 which was of idea company and in the cover of mobile there were Rs. 2000/-. The motorcycle on which I was riding with my friends that motorcycle bearing no. PB 02 BY 6096 brand Splendor color silver has also been snatched and they had given us beating and after snatching my phone and motorcycle of my friend they had run from the spot. I and my friends got scared and went back to our respective houses. The persons who have committed the offence they can be recognized if brought in front of us. The motorcycle on which unknown persons were riding we could not read its number due to darkness, now I and Armandeep Singh son of Dilbagh Singh resident of House no. 77, park Wali Ishwar Nagar Amritsar and without friends coming to inform you, we have met you, we have made statement. Appropriate legal action may be taken. Verified Krishna Kumar above said, attested by

Surinder Singh, ASI, police station Sultanwind Amritsar City.

3. Learned counsel for the petitioner contends that the petitioner was not named in the present FIR nor there is any averment in the FIR, which even remotely connects the petitioner with the commission of crime. He further contends that the petitioner was arrested in the present case on 31.08.2023 and a motorcycle which was allegedly used in the commission of crime has already been recovered from the present petitioner. He further contends that the petitioner is a young boy, aged 19 years and in case, he is confined in a jail for a longer period, there are chances of developing the association with criminals in jails and his case deserves sympathetic consideration 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 that one more case under Arms Act has been registered against the present petitioner, however, he is on bail in the said case.

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

6. The petitioner is in custody since 31.08.2023 and the recovery of motorcycle has already been effected from him and further custody of the petitioner will serve no meaningful purpose.

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

(N.S.SHEKHAWAT)
JUDGE

15.01.2024
hitesh

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