

220

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1378-2024

Date of Decision: 19.03.2024

Harpreet Singh alias Ravi

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Gagandeep Singh Bajwa, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, 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 in case FIR No.71 dated 15.09.2023 registered under Sections 379-B (2), 34 of IPC, at Police Station Tarsikka, District Amritsar.

2. The FIR in the present case was registered on the basis of the statement made by Vinodpal son of Bahadarpal. As per the complainant, at about 1.30 p.m. on 15.09.2023, he had parked his vehicle on the side of the road and was checking the vehicle. In the meantime, three young persons came on a motorcycle and out of them, one person was a Sikh gentleman and two were the persons with hair cut and they stopped the motorcycle near the complainant. By showing the *datar*, a sum of Rs.2,500/- was snatched from him and threatened the complainant. However, when they tried to flee from the spot, the motorcycle slipped and one person, namely, Harpreet Singh @ Ravi was caught

at the spot and he disclosed the names of other persons as Onkar Singh @ Chhiki and Nishan Singh. With these broad allegations, the FIR in the present case was got registered by the complainant.

3. Learned counsel for the petitioner contends that in the present case, false and baseless allegations have been levelled against the present petitioner. In fact, the petitioner was arrested in the present case on 15.09.2023 and is in custody for the last more than 06 months. He further contends that the final report under Section 173 Cr.P.C. has already been presented against him and the conclusion of the trial may take quite a long time. Apart from that, one more case under Section 379-B, 411 IPC was ordered to be registered against the present petitioner, however, he has been acquitted by the trial Court in the said case.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was caught at the spot by the complainant and the other passers-by.

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

6. The petitioner was arrested in the present case on 15.09.2023 and is in custody since then. The prosecution has placed reliance on 10 witnesses, but no witness has been examined so far. Thus, the conclusion of the trial may take quite a long time and further custody of the petitioner will not serve any 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, 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.*
- (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.*

19.03.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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