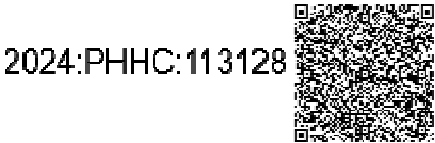


CRM-M-4088-2024
CRM-M-9311-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH



[CRM-M-4088-2024](#)
Date of Decision:- 31.08.2024

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Simranjeet Singh
...Petitioner

Versus

State of Punjab
...Respondent
[CRM-M-9311-2024](#)

Mustak alias Mustakh
...Petitioner

Versus

State of Punjab
...Respondent

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr.Atinderpal Singh, Advocate for
Mr.Naveen Batra, Advocate
for the petitioners in both the aforesaid petitions.
Mr.Sahil R.Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. This order shall dispose of the aforesaid two petitions i.e. CRM-M-4088 of 2024 and CRM-M-9311 of 2024 as the same have arisen out of the common FIR. For brevity, the facts have been taken from CRM-M-4088 of 2024.
2. Through the instant petition, the petitioners crave for indulgence of this Court for their being enlarged on regular bail, in case FIR No.164, dated 04.10.2023, under Sections 379-B of IPC (Section 411 of IPC, 1860

added later on) registered at Police Station Sadar, Hoshiarpur District Hoshiarpur (Annexure P-1), during the pendency of the trial.

ALLEGATIONS AGAINST THE PETITIONER

3. On the basis of statement suffered by the complainant, Tanu Kathoch, the aforesaid FIR, has been registered which reads as under:-

“Statement of Tanu Katoch wife of Sachin Kumar resident of Kapat, Police Station Hariana, District Hoshiarpur aged about 37 years, mobile No. 79869-96741. I would like to state that I am resident of above noted address and I am posted as teacher in Sri Guruhkrishan Public School, Model Town, Hoshiarpur. Today on 04.10.2023, after leaving the school, at about 3.00PM, I went to market from the school and after doing some personal works there, I was going from Hoshiarpur to my village on my Aactiva bearing registration No. PB07-AM-562 then at about 4.00 PM, when I reached at deep Choe Bhagowaal, then two boys having Hindu personality came from backside on a motorcycle and they suddenly stooped their motorcycle in front of my Aactiva, due to which, I lost the balance of Aactiva and fell down on the road and I received injuries on my face and left arm then above said youngman has snatched my purse containing Rs. 3000/- cash, one gold ring from my scooter and ran away from there on their motorcycle. I raised hue and cry regarding this incident then the passersby who were coming from back side have chased the said boys and they along with other passersby and public have apprehended the said boys near village Kantia who snatched the purse from me and also taken back my purse from them which was snatched by them and public has brought said boys at village Bhagowl, their names are Simranjit Singh son of Ranvir Singh resident of Dhakki, Police Station Hariana, district Hoshiarpur and name of second boy is Mustakh son of Mehardeen resident of Bassi Ummar Khan, Police Station Hariana and on checking of my purse, my gold ring and Rs. 1500/- were missing from the purse. In the meantime, my husband Sachin Kumar also reached at village Bhagowal and he got me admitted in Narard Hospital, Hoshiarpur for treatment, where I am under treatment. The public had intimated the police and handed over the said boys to the police. Legal action be taken against the above said persons. Statement got recorded to you, heard same is correct. Sd/- Tanu Katoch, supported by Sd/- Ranjit Singh, ASI, Police Station Sadar, Hoshiarpur dated 04.10.2023”

SUBMISSIONS OF LEARNED COUNSEL FOR THE PETITIONERS

4. Learned counsel for the petitioners submits that though the petitioners have been arrested on the spot, however, they have suffered

sufficient incarceration, that is about 11 months as on date, and the trial is at initial stage. He further submits that no other case has been registered against the petitioner, Mustaq whereas, another case has been registered against petitioner, Simranjit Singh in which he has already suffered the entire sentence period.

5. The learned counsel for the petitioners, in his asking for the hereinabove extracted relief, has made the following submissions:-

- (i) Petitioners have suffered incarceration since 04.10.2023.***
- (ii) The trial of the case is at an initial stage.***
- iii) That the charge has not been framed so far and two prosecution witness out of 10 have been examined.***

SUBMISSIONS OF THE LEARNED STATE COUNSEL

6. Learned State counsel informs this Court that 02 witnesses out of 10 as cited by the prosecution have been examined and he has also placed on record the custody certificate of the petitioners which is taken on record. The custody certificates of the petitioners reflect that both the petitioners have suffered incarceration for about 10 months 22 days. He further submits that no other case has been registered against the petitioner, Mustaq whereas, one more case has been registered against petitioner, Simranjit Singh in which he has already suffered the entire sentence period.

7. This Court has heard the learned counsel for the parties concerned and has examined the instant petition, and is of the considered opinion that the instant petition is amenable for being allowed.

8. The reason for forming the above inference emanates from the factum that:- (i) The petitioners have suffered incarceration since ***04.10.2023*** (ii) No

fruitful purpose would be served by keeping the petitioners behind the bars,
(iii) Trial is not likely to conclude anytime soon.

FINAL ORDER

09. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioners. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioners are ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. However, it is clarified that if in future, the petitioners are found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

11. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

12. All pending application(s) stand **disposed** of accordingly.

31.08.2024
sd

(KULDEEP TIWARI)
JUDGE

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