



CRM-M-3006-2024

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

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CRM-M-3006-2024

Date of Decision : May 20, 2024

SIMRANJIT SINGH ALIAS GURU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. At the very outset, the learned counsel for the petitioner submits that during the pendency of the instant petition, the learned trial Court concerned has framed charges under Sections 392 and 411 IPC also therefore, he requests to make addition of these offences in the head note as well as in the prayer clause of the instant petition.

2. The request is allowed.

3. The Registry is directed to make necessary corrections in the head note as well as in the prayer clause of the instant petition.

4. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.0195 dated 19.9.2023, under Sections 379-B, 506, 34 IPC (Sections 392 and 411 IPC added lateron), registered at Police Station Division No.6, District Police Commissionerate, Ludhiana.

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5. The prosecution agency was set into motion on a statement made by one Bharat to the effect that on 9.9.2023 at about 1.30 a.m., due to break-down of his truck No.HR-67C-2714 in the area of Giaspura Chowk, Ludhiana, he parked it aside and was checking it and in the meantime, two persons came on a motor-cycle and parked their motor-cycle in front of the truck and then two more persons came on a motor-cycle also, who parked heir motor-cycle behind his truck and after placing *daat* on his neck, they snatched his purse containing Rs.24,000/-, and other documents, his mobile phone and ran away.

6. In his asking for the relief (*supra*), the learned counsel for the petitioner submits that infact, the petitioner has been falsely implicated in the instant FIR, whereas, no one was specifically named in the instant FIR. Moreover, the recovery of Rs.500/-, which was allegedly effected from the present petitioner, does not connect him with the alleged crime. He further submits that the petitioner is behind the bars since 9.10.2023 and although he is involved in two more cases, but he is on bail in those cases.

7. Per contra, the learned State counsel, on instructions imparted to him by the official concerned, submits that after completion of investigation, final report was filed way back on 7.12.2023, wherein, and total 8 witnesses have been cited by the prosecution but till date, no one has been examined and the next date fixed before the learned trial Court concerned is 16.8.2024.

8. This Court has examined the submissions made by both the

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learned counsel for the parties and is of the view that the petitioner deserves to be released on regular bail on the ground that he has suffered incarceration of 7 months and 6 days as on today and the trial is not likely to conclude any time soon and the recovery, which was allegedly effected from the present petitioner, is a disputed question of law, which is required to be established by the prosecution at the time of trial. Therefore, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

9. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate, subject to the further condition that, in case, in future, the petitioner is found involved in similar nature of offence, the State shall be at liberty to seek cancellation of regular bail granted by this Court in the instant FIR.

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

(KULDEEP TIWARI)
JUDGE

May 20, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No