



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-17.07.2024

CRM-M-4284-2024(O&M)

Karandeep Singh @ Karan.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

2.

CRM-M-4573-2024

Deepak @ Rinku.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. Puja Chopra, Advocate for the Petitioners
(in both the petitions).

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

By this common order I shall dispose of the aforementioned two petitions as the same have arisen out of one and the same FIR.

2. The Prayer in these petitions under Section 439 Cr.PC is for the grant of regular bail in case bearing FIR No.192 dated 12.12.2023 under Sections Sections 379B, 34 IPC registered at P.S. Division No.2, District Police Commissionerate, Ludhiana.

3. The present FIR came to be registered at the instance of Veerpal Singh @ Honey which reads as under:-



“ Statement of Veerpal Singh @ Honey s/o Late Taranjeet Singh r/o Street No.1, Doctor Maini Street No.1, Hargobindpura, Jagraon, presently r/o Street No.1, Kartar Colony, PS: Division NO.3, Ludhiana aged about 33 years, mobile no. 98774-45182. Stated that I am resident of aforesaid address. I have been learning the work of a mechanic at Rocky Motor near Kawality Chowk, Industrial Area A, Ludhiana. On 11.12.2023 at about 7:50 PM I received a call from my wife Manpreet Kaur and I came out of the shop for hearing the call and then I was holding my mobile to my ear, the mobile of make Vivo of colour blue in which SIM Card no. 76580-84734 was activated and the IMEI No. is 867408040123579. Then in the meantime two young men riding on Activa came from behind from side of Cheema Chowk, out of them a boy riding pillion forcibly snatched my mobile and fled away towards Mohalla Islamganj. I read the number of Activa as PB 10 GQ 2870 and colour was brown. Till today I have been searching for them and I came to know that the driver of the Activa is Deepak @ Rinku S/o Lakhpati R/o Dashmesh Nagar, Gill Road, Ludhiana and the name of the boy riding pillion is Karandeep @ Karan S/o Dharmender Singh R/o Street No: 8, Mohalla Mad Colony, Shimlapuri. I can identify when confronted. I was coming to you for giving information. You have met, action be taken. Statement has been recorded heard and same is correct. Sd/- Veerpal Singh verified by Balour Singh ASI, PS: Division no 2, Ludhiana, dated 12.12.2023. Action of police: Today myself ASI alongwith HC Talwinder Singh no 851, HC Harpreet Singh no 3483 on private vehicle and were present near the cut of Labour Colony in context of patrolling and search of suspicious persons, then aforesaid Veerpal Singh @ Honey came to me and got his statement recorded, after recording his statement and same was read over to him, who after hearing, reading the statement and admitting the same to be correct he signed under the same in Punjabi. Which were verified by myself ASI. From the statement of complainant prima facie offence U/s 379-B, 34 IPC is made out, on which this statement is being sent to police station at the hand of HC Harpreet Singh no 3483 for registration of FIR against Deepak @ Rinku and Karandeep @ Karan.”

4.

The Counsel for the petitioners contends that there is delay in



the registration of the FIR. The occurrence took place on 11.12.2023 at 7.50 pm and the FIR came to be registered on the next day at 1.45 pm. This delay is fatal to the prosecution case. In fact a dispute arose between the complainant on the one hand and petitioner-Karandeep Singh @ Karan on the other on account of spitting. The said matter was settled between the parties but at the instance of ASI Balaur Singh, PP Janak Puri, P.S. Division No.2, Ludhiana the FIR came to be registered with twisted facts as is apparent from the CCTV footage available on the file. As the petitioners were first time offenders, in custody since 12.12.2023 but none of the 06 prosecution witnesses have been examined so far and the trial of the present case was not likely to be concluded anytime soon and therefore, they were entitled to the concession of bail.

5. The learned counsel for the State, on the other hand contends that the allegations against the petitioners did not entitle them to the grant of bail. He however concedes that they were first time offenders, in custody since 12.12.2023 and that none of the 06 Pws had been examined so far.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against the petitioners shall be adjudicated upon during the course of the Trial. Admittedly, the petitioners are first time offenders, in custody since 12.12.2023 but none of the 06 Pws have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, their further incarceration is not required.

8. Thus, without commenting upon the merits of the case, the present petitions are allowed and the petitioners, namely, **Karandeep Singh @ Karan** son of Sh. Dharmender Singh and **Deepak @ Rinku** son of Sh.

Lakhpat are ordered to be released on bail to the satisfaction of the Trial



Court/Duty Magistrate concerned.

9. The petitioners shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that they are not involved in any case/crime other than the cases mentioned above.
10. In addition, the petitioners (someone else on their behalf) shall prepare an FDR in the sum of Rs.50,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from Trial without sufficient cause.
11. This petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 17, 2024

Vinay

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