

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 21.02.2024

(I) CRM-M-4237-2024 (O&M)

HARPREET SINGHPetitioner

Versus

STATE OF PUNJABRespondent

(II) CRM-M-1847-2024

GAGANDEEP SINGH @ KARANPetitioner

Versus

STATE OF PUNJABRespondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Ms. Gurdeep Kaur, Advocate for the petitioner
in CRM-4237-2024.

Mr. J.S. Jaidka, Advocate for the petitioner
in CRM-M-1847-2024.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

CRM-5741-2024 in CRM-M-4237-2024

1. The instant application under Section 482 Cr.P.C. has been filed for placing on record the amended head note as well as prayer clause of main petition i.e. CRM-M-4237-2024 in compliance of the order dated 01.02.2024 as Annexure A-1 and Annexure A-2.
2. Keeping in view the averments made in the application, the same is allowed subject to all just exceptions.
3. Annexure A-1 and Annexure A-2 is ordered to be taken on

record.

CRM-M-4237-2024 and
CRM-M-1847-2024

4. Registry to tag the same at the appropriate place.

MAIN CASES

1. Custody certificates dated 20.02.2024 of petitioners namely Harpreet Singh and Gagandeep Singh alias Karan filed in Court today. The same is taken on record. Copy thereof has been supplied to the opposite counsel.

2. The instant petitions have been preferred by the petitioners under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in the following case (Annexure P-1) :-

FIR No.	Dated	Section	Police Station
176	24.08.2023	379-B (2), 323, 324 and 34 of IPC.	Samrala, District Ludhiana.

3. It is inter alia contended by learned counsel for the petitioners that the petitioners, after having been falsely implicated in this case, are in custody since 04.09.2023. He further contends that no recovery has been effected from the petitioner Harpreet Singh whereas petitioner Gagandeep Singh alias Karan has been named in the supplementary statement given by the complainant without there being anything on record as to how he came to know about his name and parentage. It is submitted by learned counsel for the petitioners that although recovery of iron rod has been effected from Harpreet Singh in pursuance of disclosure statement and recovery of Rs. 1500 has been effected from Gagandeep Singh alias Karan. He further contends that no other case is pending against the petitioners and the challan has already been presented in Court. Hence prays for grant of bail to the petitioners.

4. Per contra, learned State counsel has not disputed the factual matrix and has submitted that considering the nature and gravity of offence, the petitioners do not deserve concession of bail.

5. Considering the arguments raised by both the parties and after perusing the record, it is not disputed that the petitioners are in custody since 04.09.2023. After completion of investigation, challan has already been presented in Court and out of seven witnesses cited by the prosecution none has been examined till date. Admittedly, the petitioners are having no criminal antecedents. The disposal of trial will take sufficient long time and only thereafter the criminal liability if any of the petitioners could be ascertained. In these circumstances, it is observed that no purpose will be served by detaining the petitioners in custody any longer. Resultantly, without commenting on the merit of the case, both the petitions i.e. *CRM-M-4237-2024 and CRM-M-1847-2024* are allowed. The petitioners are ordered to be released on bail subject to furnishing of their bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

21.02.2024kanika

(SANJIV BERRY)JUDGE