

CRM-M-5311 of 2023

2024:PHHC:036215

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

CRM-M-5311 of 2023

Date of decision: 13.03.2024

Fauji

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. F.S. Virk, Advocate,
for the petitioner.

Mr. Rajesh Sehgal, Addl. A.G., Punjab.

NAMIT KUMAR, J.

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.115 dated 21.11.2022 under Sections 379-B/120-B/201/394 IPC, registered at Police Station City Morinda, District Ropar.

2. As per allegations of the prosecution, on 15.11.2022 complainant Davinder Dutt son of Kedar Nath was going from his house to Kainaur by his TVS Zupitar Scooter bearing No.PB-71-B-8023 and when he reached near Channi Medical Store, Main Bazar Morinda at about 2:30 PM, a person wearing white colour Kamiz-Pajama and black colour Jacket took lift from him by stating that leave him at Saheri. He was also having *Parna* on his head. A lady and another person present there told the complainant that he is a great Saint who is doing the Kar-Sewa in Gurudwara Sahib, on

CRM-M-5311 of 2023

2024:PHHC:036215

which he asked the said person to sit on the rear seat of his scooter for leaving him to village Saheri and when they reached near Gurudwara Sahib of village Saheri, the said person asked him to leave him near Bus Stand Saheri, where the said lady and person who were present near Channi Medical Store along with three unknown persons on two motorcycles were present. All of them caught hold him and brought him to Bus Stand Saheri, he became unconscious and when he regained consciousness, the gold chain along with locket put on by him around his neck, gold *Karra* and two gold rings put on by him in his hands were found missing. The said persons snatched his above said gold ornaments by giving him beatings. The letter D has been scribed on his both the gold rings as well as gold chain and locket, whereas the stamp of Vikrant Jewellers has been affixed on his gold *Karra*. On the basis of said statement of complainant Davinder Dutt, instant case was registered against unknown persons on 21.11.2022. Complainant Davinder Dutt suffered a supplementary statement on 27.11.2022 in which he has disclosed the name of petitioner as an accused who had taken the lift from him and the person who was driving the motorcycle as Mithu and the person who was wearing white colour cardigan as Sultan after going through the CCTV Footage captured in CCTV Cameras installed in the Main Bazar Morinda. Petitioner-Fauji was arrested on 01.12.2022 and complainant identified him as an accused who had taken lift from him on 15.11.2022 near Channi Medical Store Morinda as per identification memo dated 01.12.2022 prepared by the Investigating Officer in this regard. On the basis of disclosure statement of petitioner-Fauji recorded by the police officials on 04.12.2022, gold *Karra* was recovered from his possession and the same

was got identified from complainant by Investigating Officer ASI Gurcharan Singh on 04.12.2022 as is apparent from recovery memo dated 04.12.2022. Petitioner suffered another disclosure statement on 05.12.2022 and gold chain along with locket and a gold ring were recovered from his possession on 06.12.2022.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in the present case. He further submitted that petitioner has not been named in the FIR. No recovery is to be effected from the petitioner. He further submitted that petitioner is in custody since 01.12.2022; investigation in the present case is complete; challan has been presented in Court on 19.07.2023 and charges have already been framed. Learned counsel further submitted that petitioner is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned State counsel on the basis of status report dated 06.11.2023 opposed the prayer for grant of regular bail to the petitioner. He further submitted that petitioner along with co-accused gave beatings to the complainant and snatched gold ornaments from him, out of which gold *karra* and two gold rings have been recovered from the possession of the petitioner. He further submitted that allegations against the petitioner are serious in nature, therefore, he is not entitled for the concession of regular bail. However, he could not dispute the facts that petitioner is in custody for the last 01 year 03 months and 06 days; investigation in the present case is complete, charges have been framed and

there is no other case against the petitioner.

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

6. Keeping in view the custody of the petitioner, which is 01 year 03 months and 06 days; investigation is complete; challan has been presented; charges have been framed; petitioner is not involved in any other case and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed off accordingly.

13.03.2024

R.S.

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No

(NAMIT KUMAR)

JUDGE