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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-5778-2024  
Date of decision : 08.02.2024

Vansh ..... Petitioner

versus

State of Punjab ..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Harpreet S. Rakhra, Advocate  
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

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PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.42 dated 26.02.2023, registered for the offences punishable under Sections 379-B(2), 411, 201, 324, 148 and 149 of IPC at Police Station Gate Hakima, District Police Commissionerate, Amritsar.
2. As per the contents of the FIR, it has been alleged as under:-

“Statement of Amit Kumar son of Lal Chand resident of H.No. 620, Gali No. 10, Guru Nanak Pura Kot Khalsa, Amritsar, aged about 27 years, Mob. 96465-11336. States that I am resident of above noted address and am working as Sheff in Rang Punjab Restaurant Kotwali for past seven months and yesterday on 25.02.2023 at night at about 11.45 PM as usual after work was going on cycle to my house and when I was little ahead of Gurudwara Shaheed Ganj Sahib, then from the front

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side five clean shaven young boys came running out of which three were holding a dattar and one young boy was holding a gandaai, who gheraoed me and said that whatever you have take out, one young boy who was empty handed, he took out the mobile phone of make real me 9-15G from the right side of the pocket of my lower silver colour whose number is IMEI 864138067267479 and he checked the right pocket in which there were currency notes worth Rs. 2150/- and he took them also. On my resistance one young boy gave a gandasi blow with the reverse side on my back and the second young person gave a blow of datar on my left eye, as a result of which I got injured and fell down and the two young persons gave blows with their dasti datar from the reverse side when I was lying down and all of them gave me kick blows and I started bleeding. I got nervous and raised a raula of mardita-mardita, then all the young persons snatched the mobile phone and fled with their respective weapons from the spot towards the railway lines and some persons who were coming behind saw me bleeding and on seeing me took me to the police chowki form where after receiving the docket, I got myself treated at Civil Hospital. Now I alongwith my brother Ashu son of Lal Chand above said were coming to inform you, you have met us, legal action be taken. The all the said young persons were without muffled faces and I can identify them if they come before me. I have heard my statement, heard it, it is correct. Sd/- Amit 9646511336. Attested by Gurpreet Singh ASI Incharge chowki Putlighar, PS Hakima, Amritsar.”

3. Counsel for the petitioner submits that the investigation stands concluded and challan stands presented. No recovery has been

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effected from the petitioner. Only recovery is of mobile phone which was recovered from one Nikhil @ Gill who stands admitted to bail vide order dated 04.10.2023 passed in CRM-M-42926-2023.

4. State counsel is not in a position to dispute the aforesaid observations made by counsel for the petitioner based on record.
5. Petitioner is behind bars for almost a year and has no criminal antecedents.
6. Keeping in view the parity and the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)  
JUDGE

08.02.2024

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No