

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10942-2024
Date of Decision:06.03.2024

Mohammad Firdosh ...Petitioner
vs.
State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Mandeep Kumar Dhot, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 195 dated 20.11.2023, registered under Section 420,379-B,120-B of IPC, Police Station Kotwali Bathinda, District Patiala.
2. The FIR in the present case was got registered by Gagandeep Singh, who was running a cut piece shop at Dabwali. A lady customer came to his shop and made the payment in dollars and told her that she could sell dollars at cheaper rate. She made the complainant to talk to one Mohammad Firdosh and gave his personal number and the deal was fixed for purchasing dollars of Rs.5 lacs. On 20.11.2023, the complainant came at Bathinda to make the payment and to take the delivery of dollars, however, instead of giving him dollars, the accused had snatched the bag of Rs.4,65,000/- from the complainant.
3. Learned counsel for the petitioner contends that in the present case,

the petitioner and co-accused were arrested and a sum of Rs.2,75,000/- has already been recovered from them. He further contends that the co-accused Sabir has been granted the concession of regular bail by the Trial Court and the petitioner has also similarly placed. The petitioner was arrested in the present case on 20.11.2023 and is in custody since then. The final report under Section 173 Cr. P.C has already been presented before the competent Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and is not entitled for concession of bail in the present case.

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

6. The petitioner is continuing in custody since 20.11.2023 and the final report under Section 173 Cr.P.C has already been presented against him. Further, similarly placed co-accused Sabir has been granted the concession of regular bail by the Trial Court.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court

proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

06.03.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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