

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13143-2024
Date of decision: 19.03.2024

GURVINDER SINGH

..... Petitioner

versus

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR.JUSTICE KULDEEP TIWARI

Present:- Mr. Naresh Kumar, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition filed under Section 439 Cr.P.C. prayer is made for grant of regular bail in case FIR No.0136 dated 13.11.2023, Under Sections 379-B, 341 IPC (Section 411 IPC added later on), registered at Police Station Haryana, District Hoshiarpur.

2. Learned counsel for the petitioner submits that the instant FIR was registered on the statement made by one Ranjit Kumar Sahni, to the effect that he is working in a private factory, and on dated 13.11.2023, when he alongwith his friend Vijay Kumar, was going from the factory to fetch medicine, a motor-cyclist having *black parna* tied on his head came on black coloured motorcycle, make-Platina, without any registration number, stopped the motorcycle in front of them, and threatened them by showing a *Dattar*, and demanded their belongings. He also slapped the complainant twice, and snatched Rs.600/- from his right pocket, and then he fled away. Subsequently, during the investigation, petitioner got arrested on dated 13.11.2023, and from him one *dattar*, and motorcycle, used in the commission of crime, and currency notes of Rs.600/- was also recovered which were taken into

possession. Thereupon, the offence under Section 411 IPC, was also added in the instant FIR.

3. On the asking of the relief of regular bail, learned counsel for the petitioner submits that the petitioner is a first time offender, and has suffered incarceration of about 04 months as on today. He further submits that the complicity of the present petitioner in the commission of alleged crime is yet to be established by the prosecution during trial.

4. The learned State counsel has filed the custody certificate issued by Mr. Navinder Singh, Superintendent of Central Jail Gurdaspur, and the same is taken on record, which strengthens the arguments of the learned counsel for the petitioner, that the petitioner has suffered incarceration of 04 months and 05 days as on today.

5. Learned State counsel further on instructions imparted to him by the official concerned, submits that the final report under Section 173 Cr.P.C. has already been filed on dated 05.01.2024, and the prosecution has cited a total of 08 witnesses, and none of them has been examined till date, as the charges are yet to be framed against the present petitioner.

6. Considering the fact that the petitioner has suffered incarceration of about 04 months and 05 days as on today, and the trial is moving at a snail pace and the petitioner is the first offender, this Court deems it fit and appropriate to enlarge him on regular bail, subject to the condition that in case he finds involved subsequently in similar kind of offence, the State would be at liberty to seek cancellation of bail.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect

on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

19.03.2024
Anu

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No